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Friday
July 23, 1982

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Federal Trade Commission

Air Pollution Control
Environmental Protection Agency

Animal Drugs
Food and Drug Administration

Asphalt
Environmental Protection Agency

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

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Presidential Documents

Title 3—
The President

Memorandum of July 21, 1982

Memorandum for the United States Trade Representative

Determination Under Section 301 of the Trade Act of 1974

Pursuant to Section 301(a)(2) of the Trade Act of 1974 (19 U.S.C. 2411(a)(2)), I have determined that the action described below is an appropriate and feasible response to subsidy practices of the European Economic Community (EEC) with respect to pasta exports which are inconsistent with the Agreement on the Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (Subsidies Code). With a view towards eliminating or reducing the harmful effects of the EEC subsidies on pasta exports, I am directing the United States Trade Representative (USTR) to pursue diligently and complete expeditiously the dispute settlement procedures already initiated under the Subsidies Code.

Statement of Reasons

The Office of the United States Trade Representative initiated an investigation under Section 301 on November 30, 1981 (46 FR 59675) on the basis of a petition filed by the National Pasta Association. The petitioner's principal allegation, that the EEC has violated Article 9 of the Subsidies Code which prohibits the grant of a subsidy upon the export of a non-primary product, is well founded. Pasta is a non-primary product the manufacture of which requires complex, multi-staged processing. Furthermore, Italian exports of pasta to the U.S., which are subsidized by the EEC, have been growing at a substantial rate over the last few years. In 1981, Italian pasta imports containing no egg or egg products accounted for 42.3 percent of total U.S. pasta imports.

In an effort to resolve this problem, the U.S. requested consultations with the EEC on several occasions beginning on December 2, 1981. However, the EEC refused to consult. Therefore, the U.S., on March 1, 1982 referred this matter to the Subsidies Code Committee for conciliation. Several conciliation meetings were held in March and April, but no mutually acceptable solution was reached. Therefore, on April 7, the Subsidies Code Committee authorized the establishment of a dispute settlement panel to review the U.S. complaint. This panel began its work on July 12.

We are disappointed that the entire dispute settlement process was not concluded in the minimum time set forth in the Subsidies Code, and that consultations, which might have contributed to a more expeditious resolution, were not held. Nevertheless, the dispute settlement is now proceeding in a timely manner and we believe that U.S. interests would be best served by following that process to its conclusion. It is our hope that the panel will act expeditiously on this matter.

This determination shall be published in the Federal Register.

Ronald Reagan

THE WHITE HOUSE,
Washington, July 21, 1982.

[FR Doc. 82-20124
Filed 7-21-82; 4:53 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12373 of July 21, 1982

Establishing an Emergency Board To Investigate a Dispute Between The United Transportation Union and Certain Railroads Represented by the National Carriers' Conference Committee of the National Railway Labor Conference

A dispute exists between the United Transportation Union and certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference designated on the list attached hereto and made a part hereof.

This dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

This dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. § 160), it is hereby ordered as follows:

1-101. *Establishment of Board.* There is established, effective immediately, a board of three members to be appointed by the President to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

1-102. *Report.* The board shall report its finding to the President with respect to the dispute within 30 days from the date of its establishment.

1-103. *Maintaining Conditions.* As provided by Section 10 of the Railway Labor Act, as amended, from the date of the creation of the Emergency Board and for 30 days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers or by their employees, in the conditions out of which the dispute arose.

Ronald Reagan

THE WHITE HOUSE,
July 21, 1982.

RAILROADS

Akron & Barberton Belt Railroad Company
Akron, Canton and Youngstown Railroad Company
Alameda Belt Line
Alton & Southern Railway Company
Atchison, Topeka and Santa Fe Railway Company
Atlanta & Saint Andrews Bay Railway Company
Belt Railway Company of Chicago
Bessemer and Lake Erie Railroad Company
Birmingham Southern Railroad Company
Boston and Maine Corporation
Brooklyn Eastern District Terminal
Burlington Northern Railroad Company
Butte, Anaconda & Pacific Railway Company
Camas Prairie Railroad Company
Canadian National Railways—
  Great Lakes Region, Lines in the United States
  St. Lawrence Region, Lines in the United States
Canadian Pacific Limited
Central of Georgia Railroad Company
Central Vermont Railway, Inc.
The Chessie System:
  Baltimore and Ohio Railroad Company
  Baltimore and Ohio Chicago Terminal Railroad Company
  Chesapeake and Ohio Railway Company
  Chicago South Shore and South Bend Railroad
  Staten Island Railroad Corporation
  Western Maryland Railway Company
Chicago & Illinois Midland Railway Company
Chicago and North Western Transportation Company
Chicago and Western Indiana Railroad Company
Chicago, Milwaukee, St. Paul & Pacific Railroad, Lines East
Chicago Union Station Company
Chicago, West Pullman & Southern Railroad Company
Colorado and Southern Railway Company
Columbia & Cowlitz Railway Company
Davenport, Rock Island and North Western Railway Company
Denver and Rio Grande Western Railroad Company
Des Moines Union Railway Company
Detroit and Mackinac Railway Company
Detroit & Toledo Shore Line Railroad Company
Detroit, Toledo and Ironton Railroad Company
Duluth, Missabe and Iron Range Railway Company
Duluth, Winnipeg & Pacific Railway Company
Elgin, Joliet and Eastern Railway Company
The Family Lines:
  Seaboard Coast Line Railroad Company
  Gainesville Midland Railroad Company
  Louisville and Nashville Railroad Company
  Clinchfield Railroad Company
  Georgia Railroad
  Atlanta and West Point Railroad Company
    The Western Railway of Alabama
  Atlanta Joint Terminals
Fort Worth and Denver Railway Company
Galveston, Houston and Henderson Railroad Company
Grand Trunk Western Railroad Company
Houston Belt and Terminal Railway Company
Illinois Central Gulf Railroad
Illinois Terminal Railroad Company
Indiana Harbor Belt Railroad Company
Joint Texas Division of the CRI&P–FW&D Railway Company
Kansas City Southern Railway Company
Kansas City Terminal Railway Company
Kentucky & Indiana Terminal Railroad Company
Lake Erie, Franklin & Clarion Railroad Company
Lake Superior & Ishpeming Railroad Company
Lake Superior Terminal & Transfer Railway Company
Lake Terminal Railroad Company
Longview, Portland & Northern Railway Company
Los Angeles Junction Railway Company
Louisiana & Arkansas Railway Company
Maine Central Railroad Company
  Portland Terminal Company

Manufacturers Railway Company
McKeesport Connecting Railroad Company
Meridian & Bigbee Railroad
Minneapolis, Northfield and Southern Railway, Inc.
Minnesota, Dakota & Western Railway Company
Minnesota Transfer Railway Company
Mississippi Export Railroad Company
Missouri-Kansas-Texas Railroad Company
Oklahoma, Kansas and Texas Railroad Company
Missouri Pacific Railroad Company
Monogahela Railway Company
Montour Railroad Company
Newburgh and South Shore Railway Company
New Orleans Public Belt Railroad
New York Dock Railway
Norfolk and Portsmouth Belt Line Railroad Company
Norfolk and Western Railway Company
Northwestern Pacific Railroad Company
Oakland Terminal Railway
Ogden Union Railway and Depot Company
Peoria and Pekin Union Railway Company
Pittsburg & Shawmut Railroad Company
Pittsburgh and Lake Erie Railroad
Pittsburgh, Chartiers & Youghiogheny Railway Company
Portland Terminal Railroad Company
Port Terminal Railroad Association
Richmond, Fredericksburg and Potomac Railroad Company
Sacramento Northern Railway
St. Louis Southwestern Railway Company
Soo Line Railroad Company
Southern Pacific Transportation Company—
Western Lines
Eastern Lines
Southern Railroad Company
Alabama Great Southern Railway Company
Cincinnati, New Orleans and Texas Pacific Railway Company
Georgia Southern and Florida Railway Company
New Orleans Terminal Company
St. Johns River Terminal Company
East St. Louis Terminal Company
Spokane International Railroad Company
Terminal Railroad Association of St. Louis
Texas Mexican Railway Company
Toledo, Peoria & Western Railroad Company
Toledo Terminal Railroad Company
Union Pacific Railroad Company
Walla Walla Valley Railway Company
Waterloo Railroad Company
Western Pacific Railroad Company
Wichita Terminal Association
Yakima Valley Transportation Company
Youngstown & Southern Railway Company

[FR Doc. 82-20165
Filed 7-22-82; 10:48 am]
Billing code 3195-01-M

Editorial Note: The President's announcements of July 21, 1982, on creating an emergency board to investigate a railway labor dispute and appointing the membership of the board are printed in the *Weekly Compliation of Presidential Documents* (vol. 18, no. 29).

Rules and Regulations

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

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Part 3

Subscription Rates

AGENCY: Administrative Committee of the Federal Register (ACFR).

ACTION: Final rule.

SUMMARY: The Administrative Committee of the Federal Register raises the annual subscription rates for four publications in order to recover the production and distribution costs to the Government for sales copies. In addition to the paper edition of the **Federal Register**, the Committee authorizes a daily microfiche edition which will be offered at a lower rate.

EFFECTIVE DATE: August 23, 1982. The microfiche edition of the **Federal Register** will be available at the price stated beginning October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Denise Normandin at (202) 523–5240.

SUPPLEMENTARY INFORMATION: The Administrative Committee of the Federal Register establishes prices for **Federal Register** publications and the manner and form in which the **Federal Register** shall be printed (44 U.S.C. 1506). At a recent meeting, the Committee decided to raise the subscription rates for four publications in accordance with a policy of recovering full printing and distribution costs for sales copies. The Committee sets the price of an annual subscription to the Code of Federal Regulations at $615, the price of a separate annual subscription to the **Federal Register** Index at $21, and the price of a separate annual subscription to the List of CFR Sections Affected at $20. The annual subscription rate for the Weekly Compilation of Presidential Documents is increased to $55, and $1.50 for a single issue, in accordance with a plan adopted by the ACFR a year ago to move the Weekly Compilation toward full cost recovery in incremental phases. The Committee also authorizes a daily microfiche edition of the **Federal Register** to be made available by the Government Printing Office in addition to the paper edition. The microfiche edition is to be made available beginning October 1, 1982, at $175 per year and $1.50 for a single issue. The Committee agreed that some copies of the microfiche edition are to be available on the morning of publication, and the subscription mailing is to be completed by noon of the following day. The Committee expects to issue in the future an amendment to its regulations which would set exact deadlines for distributing the microfiche edition.

The definition of major rule under E.O. 12291 and the definition of rule under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply to the rate increases on subscription prices because they merely recover costs to the Government of printing and distributing these publications. Nor do these definitions apply to the authorization of a microfiche edition of the **Federal Register** since the microfiche edition will provide an alternative at a lower cost to the users of the **Federal Register.** Furthermore, since a notice of proposed rulemaking is not necessary in order to take these actions, the Regulatory Flexibility Act also does not apply for that reason.

List of Subjects in 1 CFR Part 3

Federal Register publications, Subscription rates.

PART 3—SERVICES TO THE PUBLIC

For the reasons set out in the preamble and under the authority given the Administrative Committee of the Federal Register by 44 U.S.C. 1506, Part 3 of Chapter I of Title 1 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 3 reads as follows:

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp., p. 189.

2. § 3.4 is amended by revising paragraphs (b)(3), (4), and (7) to read as follows:

§ 3.4 Subscriptions and availability of "Federal Register" publications.

* * * * *

(b) * * *

(3) **Federal Register.** The daily issues of the **Federal Register** will be furnished by mail to subscribers for $300 per year or $150 for six months for the paper edition, or for $175 per year for the microfiche edition. Subscription fees are payable in advance to the Superintendent of Documents, Government Printing Office. Limited quantities of current or recent paper and microfiche copies may be obtained from the Superintendent of Documents, Government Printing Office, for $1.50 per copy.

(4) *Code of Federal Regulations.* A complete bound set of the Code of Federal Regulations will be furnished by mail to subscribers for $615 per year payable in advance to the Superintendent of Documents. Individual copies of the code volumes are sold by the Superintendent of Documents at prices determined by the Superintendent under the general direction of the Administrative Committee.

* * * * *

(7) *Weekly Compilation of Presidential Documents*—(i) *Non-priority mailing.* Issues will be furnished by mail to subscribers for $55 per year payable in advance to the Superintendent of Documents, Government Printing Office.

(ii) *First-class mailing.* Issues will be furnished to subscribers by first-class mail for $96 per year payable in advance to the Superintendent of Documents, Government Printing Office. Individual issues may be obtained for $1.50 per copy from the Superintendent of Documents, Government Printing Office.

Robert M. Warner,
Chairman.
Danford L. Sawyer, Jr.,
Member.
Stephen J. Wilkinson,
Member.

Approved:
William French Smith,
Attorney General.
Gerald P. Carmen,
Administrator of General Services.

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 245

Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools; Revised Application Procedures

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: On May 25, 1982, the Department published a proposed rule concerning revised application procedures in school programs. That proposal addressed a number of the application related provisions of section 803 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). One hundred and nine comments were received during the 30-day comment period. This interim rule responds to both the comments received and to the legislative changes mandated by Pub. L. 97–35. This rule: (1) Requires additional information on the free and reduced price application in the National School Lunch, School Breakfast, Special Milk, and Commodity School Programs; (2) requires changes in the letter to parents which accompanies the application; (3) removes the hardship provisions and standard deductions from the calculation of income and; (4) eliminates the verification "for cause" only limitation. This rule is intended to reduce program abuse and to result in a savings of Federal funds.

DATES: Effective July 23, 1982. To be assured of consideration, comments must be postmarked on or before December 31, 1982. In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting and recordkeeping requirements that are included in §§ 245.5 and 245.6 of this interim rule have been approved by the Office of Management and Budget (OMB).

ADDRESS: Comments should be sent to Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, USDA–FNS, Alexandria, Virginia 22302. All written submissions will be available for public inspection in Room 509, 3101 Park Center Drive at the address listed above, during regular business hours (8:30 a.m. to 5:00 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Garnett at the address listed above, or call (703) 756–3620.

SUPPLEMENTARY INFORMATION: *Classification*—This interim rule has been reviewed under Executive Order 12291 and has been classified as *not major*. We do not anticipate that this rule will have an impact on the economy of more than $100 million. This interim rule is intended to ensure that free and reduced price benefits are directed to only those children from families whose income falls within the Income Eligibility Guidelines set forth by the Department. No major increase in cost or prices for program participants; individual industries; Federal, State or local government agencies; or geographic regions is anticipated. This interim rule is not expected to have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets.

This interim rule has been reviewed with regard to the requirements of Public Law 96–354. The Administrator of the Food and Nutrition Service, has certified that this interim rule does not have a significant economic impact on a substantial number of State agencies and School Food Authorities.

The Administrator of the Food and Nutrition Service has determined that good cause exists to make this interim rule effective immediately upon publication. This action is being taken because most School Food Authorities print their free and reduced price applications in July and August. In order to ensure that those applications reflect the regulatory requirements and have the support of regulations, the rule is effective upon publication.

Background—On May 25, 1982, the Department published a proposed rule on revised application procedures in the **Federal Register** (47 FR 22704). That proposal was designed to address both the discretionary and nondiscretionary provisions of section 803 of Pub. L. 97–53 which amended section 9 of the National School Lunch Act. The amendments concerned the application process for school meal and milk benefits. The Department provided a 30-day comment period for the proposal which ended June 24, 1982. During that time 109 comments were received from a variety of sources including State educational agency personnel, School Food Authority personnel, private citizens, advocacy groups, professional organizations and other State agency staff.

Of the 109 commentors, 48 percent indicated general approval of the Department's approach; many of these included constructive suggestions. Twenty-three percent clearly disapproved of the proposal. The remaining 28 percent did not offer clear approval or disapproval but did offer specific recommendations for change. The Department would like to thank all of the commentors who responded to the proposal. Especially appreciated were the many detailed suggestions which were very helpful in formulating this interim rule.

General Comments—A number of commentors addressed issues which had been clearly identified in the proposal as "nondiscretionary", that is, required by Pub. L. 97–35. The Department has no authority to disregard that law and to implement the recommended changes. However, each issue has been identified and the disposition of each issue has been indicated throughout this preamble.

Approximately 36 percent of all commentors expressed concern regarding the timing of the proposal. Commentors indicated that an interim rule must be in place in July, 1982 to provide School Food Authorities adequate time to implement the required changes on the application for School Year 1982–83.

Several commentors indicated that a mid to late July issuance would be too late. For this reason, a number of commentors recommended that the interim rule be delayed until Spring of 1983 while others recommended making implementation in School Year 1982–83 optional and required in 1983–84.

Most School Food Authorities print applications for free and reduced price benefits in July and August. Since this rule does not require many revisions to the applications used last school year, the Department believes that the timing of this rule will provide School Food Authorities sufficient opportunity to prepare for the forthcoming school year.

The remainder of this preamble will discuss the major concerns expressed by commentors and the specific changes being made to the regulatory requirements presented in the proposed rule. For ease in reference, the changes are presented under the regulatory section headings.

Section 245.2 Definitions

Adult—Of the 28 comments discussing the definition of "adult", 18 commentors concurred with the Department's proposal to define "adult" as any individual 21 years of age or older. Of the commentors concurring with the 21 years of age concept, several recommended that the Department exclude students of high school grade and under and persons participating in a

school program established for the handicapped. Seven commentors suggested the age of "adult" be lowered to 18 years of age or older. Three commentors pointed out potential problems with students declared emancipated by the courts.

Based on the commentor support for the proposed definition, this interim rule will define adult as any individual 21 years of age or older. This approach is intended to complement the definition of "child" identified in § 210.2, 215.2, and 220.2. A child is any individual under 21 years of age, as specified in these sections. Lowering the age to 18 would include a large number of senior high school students thus complicating the application requirements unnecessarily. Commentors suggested that defining "adult" as 21 years of age or older would enable households to exclude the income of household members who are under 21 years of age. Commentors should be aware that the definition of adult is intended to affect the collection of social security numbers and *not* the requirement to indicate total household income. The income of children under 21 years of age will continue to be counted as it has been under current regulations for purposes of determining household eligibiliity.

Current Income—Of the 40 comments received concerning the Department's definition of "current income", eight commentors concurred with the definition in the proposed rule.

That definition stated "Current income means income, as defined in § 245.6(a), received during the month prior to application, if representative, and multiplied by 12, or for farmers, self-employed persons, migrant workers, or others, income received during the past 12 months, if more representative."

Four commentors approved of the definition but stated that the definition should be applied to all persons in the same manner. These commentors recommended deletion of the words "for farmers, self-employed persons, migrant workers, or others." A number of other commentors urged the Department to expand the definition to cover the unemployed, persons whose income varies, farmers and the self-employed.

Several commentors recommended alternative approaches of defining current income. These approaches included: calculating income over the past 12 months for all persons; calculating income over the past 12 months for farmers and self-employed only; and calculating income based on an annual projection. Several other commentors believed retrospective counting of income is inconsistent with the legislative history of Pub. L. 97–35.

The Department believes the variety of approaches suggested by commentors is indicative of the number of income situations needing to be addressed. Section 9 of the National School Lunch Act states that "any child who is a member of a household whose income, at the time the application is submitted, is at an annual rate which does not exceed the applicable family size income level" is eligible to receive free or reduced price meals. As several commentors pointed out, defining current income as "income received over the past 12 months" may be inconsistent with the legislative history of Pub. L. 97–35. To ensure compliance with congressional intent, the Department has determined that income received during the month prior to application, multiplied by 12 must serve as the basic standard for current income. The month prior to application was chosen because families will know how much income was received in that month and will not be forced to speculate. This approach does not address a number of situations such as seasonal workers or farmers who may have an unrepresentative income during August or September when applications are filed. Consequently, the Department has accepted a recommendation to allow the use of projected income for the current year in those cases where this approach would produce the most accurate reflection of a household's actual financial situation.

In those situations where a projection of current annual income most accurately reflects a household's financial situation, the Department intends to allow the use of income information from the previous year as a base from which the current year's annual income can be estimated.

In summary, this interim rule defines "current income" as income received during the month prior to application and multiplied by 12 unless such income does not accurately reflect the household's income at an annual rate. In such cases, income shall be determined based on the projected annual household income.

Household—Twenty-nine comments were received regarding the Department's definition of household. Ten commentors concurred with the Department's intention to define household as family (§ 245.2(b)). "Family" is currently defined as a "group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit."

Three commentors believed it was confusing to have both terms used interchangeably in the same section. Eight commentors recommended modification of the definition to address two household's living under one roof. Another commentor recommended defining household as related and unrelated persons sharing expenses. Finally, four commentors requested clarification of the term "economic unit."

The use of the terms "family" and "household" interchangeably reflects the use of those terms in section 9 of the National School Lunch Act. The basic definition of what constitutes a "family" or "household" for purposes of determining total family income was not changed by the proposal. Commentors suggested a number of changes to the concept of family for purposes of determining income. These recommendations require a re-examination of the definition of family and would require a proposed rulemaking. Therefore, this interim rule is limited to a change in terminology from "family" to "household". The Department intends to evaluate the conceptual changes recommended by the commentors and assess the need for future regulatory action.

Documentation—Nine commentors recommended that the Department define "documentation" in the regulatory language as it was defined in the preamble of the proposed rule.

The Department did not define the term in the regulatory language because the term was not used in Part 245. Several commentors recommended specifying the components of a complete application (documentation). The Department concurs with the commentors suggestions and defines documentation in § 245.2 at a minimum, as the completion of the following information on the application: (1) total household income; (2) names of all household members; (3) social security numbers of all adult household members or an indication that a household member does not possess one; and (4) signature of an adult member of the family. Sections 245.5(a)(1) and 245.6(b) are revised to reference the need for documentation as a condition of eligibility.

Section 245.3 Eligibility Standards and Criteria

This interim rule implements the deletion of the hardship provisions and standard deductions as proposed since this is a nondiscretionary provision of Pub. L. 97–35. Six comments were received on this issue. Four opposed the elimination of those adjustments to household income because they believed the school officials should be

able to take into account special situations. Two commentors concurred with the provision as proposed. The Department does not possess the statutory authority to address the concerns of commentors who opposed this provision.

Section 245.5 Public Announcement of the Eligibility Criteria

Reduced Price Guidelines—This interim rule requires schools participating in the National School Lunch and School Breakfast Programs to include the reduced price guidelines and not the free guidelines in the letter to parents, with an explanation that households with income equal to or less than the reduced price guidelines may be eligible for either free or reduced price meals. Schools participating in the free milk option of the Special Milk Program continue to be required to include the free milk criteria in the letter to parents. Of the 14 commentors who addressed this issue, three concurred with the proposal. Three others recommended deletion of both scales from the letter to parents while one other suggested providing parents with income eligibility ranges. Four commentors recommended deletion of the free scale from the press release. The Department believes that implementation of all options submitted by commentors who opposed the proposed rule will violate this nondiscretionary provision of Pub. L. 97–35.

Therefore, the interim rule implements the provision as proposed; however, as a result of commentor concerns, the interim rule clarifies that the press release will contain both the free and reduced price eligibility guidelines.

Verification—This interim rule requires that the letter to parents contain an explanation that the information of the application may be verified at any time during the school year. Although two commentors objected to the deletion of the "for cause" restriction, the interim rule implements the provision as proposed. The statutory basis for the show "cause" restriction was eliminated by Pub. L. 97–35. Section 9(b)(2)(C) clearly authorizes the Secretary, State agencies and School Food Authorities to verify the information on the applications. Persons who apply for free and reduced price benefits should be informed of that fact.

Nondiscrimination—All three of the commentors addressing the nondiscrimination statement concurred with the Department's updated wording: "In the operation of child feeding programs, no child will be discriminated against because of race, sex, color, national origin, age, or handicap." This interim rule implements this statement as proposed.

Reporting Changes—Thirty-nine commentors addressed the proposed requirement that recipients of free and reduced price benefits must notify the appropriate school official of any changes in family size and increases in income which exceed $25 per month.

Twenty-four commentors stated that the required reporting of increases in income exceeding $25 per month and changes in family size would be unenforceable, not cost effective or would create a burden on school officials. Four commentors concurred with the proposed requirement. Of the 24 commentors objecting to the requirement, several offered suggestions. A number recommended that the $25 per month trigger be increased to $100 per month. Several suggested that a dollar amount should not be specified; rather the wording should be changed to "an amount which would change eligibility status." Four commentors recommended clarification of the requirement by inserting the word "available" between the words "level of" and "income" while another commentor urged further clarification by specifying timeframes over which the changes would be reported. Several commentors recommended that the Department require reporting decreases in income as well as increases in family size. Several commentors indicated the Department has no statutory authority to implement this requirement; thus it should be deleted.

Section 9 of the National School Lunch Act requires that only children whose household income falls within the income eligibility criteria receive benefits. An increase in a household's annual income may render the children of that household ineligible for benefits or eligible only for reduced price meals. Without a requirement to report changes in income, households may receive benefits throughout the school year despite the fact that their income no longer falls within the applicable Income Eligibility Guideline. The Department believes it would be fiscally irresponsible to allow ineligible persons to continue to receive benefits. For this reason, the Department has initiated this provision based on its statutory obligation to provide benefits only to children from households whose annual income falls within the applicable guidelines.

The Department agrees that the $25.00 income change reporting trigger may be too stringent and would not, in many instances reflect a change in eligibility. To ensure that this provision does not create an undue administrative burden on schools or households, the interim rule requires households to report increases in income of $50 per month or $600 per year and decreases in family size. Changes in income of this size or decreases in family size can potentially alter the eligibility status of a number of households. To provide State flexibility, this rule also allows States the option of establishing a stricter reporting requirement regarding changes in income. Also in response to comments, a requirement has been added to the letter to parents. This requirement specifies that the letter to parents must inform parents that they may apply for benefits at any time during the school year as their financial circumstances change.

Complete Application—A number of commentors concurred with the requirement that a completed and signed application is a prerequisite for eligibility for free and reduced price benefits; however, several commentors urged clarification of what constitutes a complete application. The Department concurs with commentor suggestions. This interim rule specifies the components of a complete application under § 245.5(a).

Section 245.6 Application for Free and Reduced Price Meals and Free Milk

Social security numbers and Privacy Act—Nine commentors concurred with the requirement that applicants provide the social security numbers of all adult household members 21 years of age or older; an indication that application for one has been made; or in the case of aliens ineligible for social security numbers, an indication that none can be acquired.

Twenty-one commentors indicated that section 9(d) of the National School Lunch Act only requires the member of the household who executes the application to furnish the social security account number of all adult members of the household. It does not authorize the Department to require adults to make application for one or require aliens to indicate ineligibility for one. Two commentors pointed out that some religions object to the use of social security account numbers and that the proposed regulations did not address this potential problem. Six commentors indicated that there are a number of potential uses of the social security number (i.e., identifier, wage matching, etc.) which are not made clear in the disclosure statement of the proposed rule. Three commentors indicated that the proposed rule does not give the notice required by the Privacy Act of

1974 to all persons from whom disclosure of social security account number is requested. Rather, the proposed rule would notify only the parent or guardian who completed the application and includes the social security number of all adult household members. Several commentors indicated that the National School Lunch Act does not authorize use of social security numbers to verify information on the application. Several other comments were received taking issue with the requirement for the collection of social security numbers.

Section 9 of the National School Lunch Act requires the collection of social security numbers as a condition of eligibility and authorizes the use of those numbers to identify persons during verification procedures. The Department has no authority to alter this provision. Therefore the basic requirement that the numbers be collected is contained in the interim rule.

In response to commentor concerns, the requirement for adults lacking social security numbers to make application for a social security number has been deleted. This interim rule requires that applications contain the social security number of all adult household members or an indication that a household member does not possess one.

The Privacy Act of 1974 requires any Federal, State, or local agency which requests individuals to disclose their social security account numbers to inform those individuals whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it. Guidelines issued by the Office of Management and Budget (40 FR 28960) require the agency to indicate the consequences of not providing the account numbers.

In response to the Privacy Act requirements, Office of Management and Budget (OMB) requirements and commentor concerns, the regulatory wording has been revised to require all State agencies and local School Food Authorities which intend to make use of the social security numbers to comply with the requirements listed above. In addition, the regulatory wording has been expanded to read as follows: "Section 9 of the National School Lunch Act requires that in order for your child to be eligible for free or reduced price meals, you must provide the social security numbers of all adult members of your household. Provision of these social security numbers is not mandatory, but failure to provide the numbers will result in a denial of the application for free or reduced-price benefits. This notice must be brought to the attention of all household members whose social security numbers are disclosed. The social security numbers may be used to identify household members in carrying out efforts to verify the correctness of information stated on the application. These verification efforts may be carried out through program reviews, audits and investigations and may include contacting employers to determine income, contacting the state employment security office to determine the amount of benefits received and checking the documentation produced by household members to prove the amount of income received. These efforts may result in a loss or reduction of benefits, administrative claims or legal action if incorrect information is reported."

States and local School Food Authorities are authorized by section 9 of the National School Lunch Act to carry out verification efforts. The notice contained in the regulations is a prototype notice which the Department believes will cover most uses of the social security numbers. However, States and local School Food Authorities may carry out verification efforts that the Department has not anticipated or State laws may impose. Therefore, State agencies and local school authorities must review the notice and ensure that their intended uses are included in the notice on all applications.

Food Stamp Question—The Department has deleted the proposed requirement that the applicant indicate whether the household participates in the Food Stamp Program. Thirteen commentors recommended deleting this required question. Three commentors suggested that pinpointing the food stamp population with intent to verify was discriminatory. Some commentors stated that unless a household was selected for verification, it would be unnecessary to ask for this information.

The Department agrees that asking for food stamp information is unnecessary unless the information will be used in the verification process. Therefore, this interim rule does not require this question on the application. The rule does allow State agencies to include this question with the indication that providing the information is not a condition of eligibility. However, the Department recommends that School Food Authorities and State agencies use this question to identify the food stamp as well as the non-food stamp population and to verify from both categories. While this interim rule makes identification of the food stamp/non-food stamp population optional, the Department recommends that a part of the verification efforts will be directed toward the non-food stamp population which has not gone through the food stamp verification process. The Department disagrees with those commentors who believe the request for this information is discriminatory.

Determination of Eligibility—Eighteen commentors concurred with the proposed requirement to provide written notice to each family denied benefits. Two commentors objected to the inclusion of an explanation of appeal rights in the notice. Several commentors recommended that the Department require written notice of denial *and* approval. In addition, these commentors recommended that parents of children approved for reduced price meals be provided the free scales to enable them to appeal the reduced price approval. Several commentors recommended that timeframes for notification be specified.

This interim rule implements the notification requirement for denial of benefits as proposed. The interim rule also requires schools to notify families of approval for receipt of free or reduced price benefits. The method of notifying the family of aproval is left to local discretion. The Department agrees with the commentors that the application review process should be conducted as quickly as possible. Therefore, the interim rule has been changed to require that notification of approval or denial of benefits be given promptly. The Department did not propose timeframes for notification of approval or denial and therefore does not include them in this interim rule. The Department did not propose that families approved for reduce price benefits should be informed of the applicable free meal income eligibility guideline; therefore that requirement has not been incorporated in the interim rule. Both of these provisions would increase the burden on a School Food Authority. The Department believes that any action in these areas must be discussed with States and local School Food Authorities prior to implementation.

Appeal of denial benefits—Only one commentor discussed this provision; the commentor concurred with the proposal. The interim rule provides for a conference or fair hearing as proposed.

Exemption for Pilot Study Schools—Five commentors concurred with the exemption from routine verification requirements. This interim rule implements the exemption as proposed.

Section 245.10 Action by School Food Authorities and § 245.11 Action by State Agencies and FNSRO's

Nondiscrimination—Seven commentors concurred with the nondiscrimination provision as proposed. One commentor felt these provisions were unnecessary in light of the nondiscrimination statement in § 245.5. The Department concurs; however, the additional emphasis provided by this wording will stay in place until the interim rules on verification are set forth. At that time the Department will delete this wording.

All Sections—Miscellaneous

A number of commentors made technical suggestions to improve clarity, sentence structure, and flow. While these suggestions are not discussed herein, in most cases, the suggestions have been incorporated into the interim rule.

List of Subjects in 7 CFR Part 245

Food assistance programs, Grant programs—social programs, National school lunch program, School breakfast program, Special milk program, Reporting and recordkeeping requirements.

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

Accordingly, Part 245 is amended as follows:

1. In § 245.1 paragraph (a) is revised to read as follows:

§ 245.1 General purpose and scope.

(a) This part established the responsibilities of State agencies, Food and Nutrition Service Regional Offices (where applicable), and School Food Authorities in providing free and reduced price meals and free milk in the National School Lunch Program (7 CFR Part 210), the School Breakfast Program (7 CFR Part 220), the Special Milk Program for Children (7 CFR Part 215), and commodity schools. Section 9 of the National School Lunch Act, as amended, and Sections 3 and 4 of the Child Nutrition Act of 1966, as amended, require schools participating in any of the programs and commodity schools to make available, as applicable, free and reduced price lunches, breakfasts, and at the option of the School Food Authority for schools participating only in the Special Milk Program free milk to eligible children.

* * * * *

2. In § 245.2 the word "only" is removed from definition (a) "Commodity only school." Definition (a) "Commodity School" is redesignated as (a–1). New definitions (a) "Adult", (a–2) "Current income", (a–3) "Documentation", and (d–2) "Household" are added.

§ 245.2 Definitions.

(a) "Adult" means any individual 21 years of age or older.

* * * * *

(a–2) "Current income" means income, as defined in § 245.6(a), received during the month prior to application and multiplied by 12. If such income does not accurately reflect the household's annual income, income shall be based on the projected annual household income. If the prior year's income provides an accurate reflection of the household's current annual income, the prior year may be used as a base for the projected annual income.

(a–3) "Documentation" means, at a minimum, the completion of the following information on a free and reduced price application: (1) Total household income; (2) names of all household members; (3) social security numbers of all adult household members or an indication that a household member does not possess one; and (4) signature of an adult member of the family.

* * * * *

(d–2) "Household" means "family" as defined in § 245.2(b).

* * * * *

3. In § 245.2, definition (e) "Income poverty guidelines" is amended by removing the word "poverty" and inserting in its place the word "eligibility."

4. In § 245.3, paragraph (a) the last sentence is revised to read as follows:

§ 245.3 Eligibility standards and criteria.

(a) * * * Such family size income standards for free and reduced price meals and for free milk shall be in accordance with Income Eligibility Guidelines published by the Department by notice in the **Federal Register.**

* * * * *

5. In § 245.3 paragraph (c) the second sentence is removed.

6. Section 245.3 is amended by removing paragraph (d) in its entirety. That paragraph contained instructions to implement Public Law 96–499 and the paragraph is now obsolete.

7. Section 245.5 paragraph (a)(1) is revised to read as follows:

§ 245.5 Public announcement of the eligibility criteria.

(a) * * *

(1) A letter or notice distributed on or about the beginning of each school year, to the parents of children in attendance at school. The letter or notice shall contain the following information: (i) In schools participating in a meal service program, the eligibility criteria for *reduced price* benefits with an explanation that households with incomes less than or equal to the reduced price criteria would be eligible for either free or reduced price meals, or in schools participating in the free milk option, the eligibility criteria for *free* milk benefits; (ii) how a household may make application for free or reduced price meals or for free milk for its children; (iii) an explanation that in order to be considered eligible for free or reduced price benefits, an application must contain complete documentation of eligibility information including the total household income, names of all household members, social security numbers of all adult household members or an indication that a household member does not possess one, *and* the signature of an adult household member; (iv) an explanation that the information on the application may be verified at any time during the school year; (v) an explanation that recipients of free and reduced price benefits must notify school officials during the school year of any decreases in household size, or increases in income of over $50 per month or $600 per year (or a lesser amount if established by the State); (vi) how a household may apply for benefits at any time during the school year as circumstances change; (vii) a statement to the effect that children having parents or guardians who become unemployed are eligible for free or reduced price meals or for free milk during the period of unemployment, *Provided,* that the loss of income causes the household income during the period of unemployment to be within the eligibility criteria; (viii) a statement to the effect that in certain cases foster children are eligible for free or reduced price meals or free milk regardless of the income of the household with whom they reside and that households wishing to apply for such benefits for foster children should contact the School Food Authority; (ix) the statement: "In the operation of child feeding programs, no child will be discriminated against because of race, sex, color, national origin, age or handicap;" and (x) how a household may appeal the decision of the School Food Authority with respect to the application under the hearing procedure set forth in § 245.7. The letter or notice shall be accompanied by a copy of the application form required under § 245.6.

* * * * *

8. In § 245.5(a)(2) after the word "parents", the phrase "and including both the free and reduced price eligibility criteria" shall be inserted.

9. Section 245.6(a) is amended as follows:

a. In § 245.6(a) the introductory paragraph is amended in the third sentence by adding the word "current" between the words "with respect to the" and "annual income of" and by revising the phrase at the end of the introductory paragraph as set forth below.

b. Paragraph (a) is further amended by revising paragraph (a)(1) and the first two sentences of paragraph (a)(2) as set forth below, and by removing the phrase "for cause" from the third sentence of paragraph (a)(2).

§ 245.6 Application for free and reduced price meals and free milk.

(a) * * * The application shall require applicants to provide the names of all household members, and the social security numbers of those household members 21 years of age or older or an indication that a household member does not possess one. The application shall also contain substantially the following statements:

(1) "Section 9 of the National School Lunch Act requires that in order for your child to be eligible for free or reduced price meals, you must provide the social security numbers of all adult members of your household. Provision of these social security numbers is not mandatory, but failure to provide the numbers will result in a denial of the application for free or reduced-price benefits. This notice must be brought to the attention of all household members whose social security numbers are disclosed. The social security numbers may be used to identify household members in carrying out efforts to verify the correctness of information stated on the application. These verification efforts may be carried out through program reviews, audits, and investigations and may include contacting employers to determine income, contacting the state employment security office to determine the amount of benefits received and checking the documentation produced by household members to prove the amount of income received. These efforts may result in a loss or reduction of benefits, administrative claims or legal actions if incorrect information is reported." State agencies and School Food Authorities shall ensure that the notice complies with section 7 of Pub. L. 93–579 (Privacy Act of 1974); and (2) "In certain cases foster children are eligible for free or reduced price meals or free milk regardless of your household income. If you have such children living with you and wish to apply for such meals or milk for them, please contact us." At the State agency's discretion, the application may enable the applicant to indicate whether the household is participating in the Food Stamp Program; *Provided,* that applicants are informed that provision of this information is not a condition of eligibility. * * *

* * * * *

10. In § 245.6 paragraph (b) is revised to read as follows:

* * * * *

(b) *Determination of eligibility.* School officials may seek verification of the information on the application. When a completed application furnished by a family indicates that the family meets the eligibility criteria for free and reduced price meals or free milk, the family shall be promptly notified and the children from that family shall be provided the benefits to which they are entitled.

(1) *Notice of denial.* When the application furnished by the family is not fully documented or does not meet the eligibility criteria for free or reduced price benefits, school officials shall promptly provide written notice to each family denied benefits. As a minimum, this notice shall include: (i) The reason for the denial of benefits, e.g. income in excess of allowable limits or incomplete application; (ii) notification of the right to appeal; (iii) instructions on how to appeal; and (iv) a statement reminding parents that they may reapply for free and reduced price benefits at any time during the school year. The reasons for ineligibility shall be properly documented and retained on file at the School Food Authority.

(2) *Appeals of denied benefits.* A family who wishes to appeal a denied application by the School Food Authority may do so as specified in § 245.7. However, prior to initiating the hearing procedure, the parent may request a conference to provide the opportunity for the parent and school officials to discuss the situation, present information, and obtain an explanation of the data submitted in the application or the decision rendered. The request for a conference shall not in any way prejudice or diminish the right to a fair hearing. The School Food Authority shall promptly schedule a fair hearing, if requested.

* * * * *

11. In § 245.6, a new paragraph (d) is added to read as follows:

* * * * *

(d) School Food Authorities which are involved in the Department's pilot study on income verification may be exempted from the requirements of this section and shall obtain verification and documentation as directed by the Department.

12. In § 245.10, a new paragraph (f) is added to read as follows:

§ 245.10 Action by School Food Authorities.

* * * * *

(f) School Food Authorities verifying the information on the free and reduced price application shall ensure that verification activities are applied without regard to race, sex, color, national origin, age, or handicap.

13. In § 245.11, a new paragraph (g) is added to read as follows:

§ 245.11 Action by State agencies and FNSRO's.

* * * * *

(g) State agencies or FNSRO's, as applicable, verifying the information on the free and reduced price application shall ensure that verification activities are applied without regard to race, sex, color, national origin, age or handicap.

(Sec. 803; Pub. L. 97–35; 95 Stat. 521–535; (42 U.S.C. 1758))

Signed in Washington, D.C. on July 20, 1982.

John W. Bode,

Deputy Assistant Secretary for Food and Consumer Services.

[FR Doc. 82–19977 Filed 7–22–82; 8:45 am]

BILLING CODE 3410–30–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 369; Lemon Reg. 368, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period July 25–31, 1982, and increases the quantity of lemons that may be shipped during the period July 18–24, 1982. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

EFFECTIVE DATES: The regulation becomes effective July 25, 1982, and the amendment is effective for the period July 18–24, 1982.

FOR FURTHER INFORMATION CONTACT:

William J. Doyle, Acting Chief, Fruit

Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This aciton is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not sustantially affect costs for the directly regulated handlers.

This final rule is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1982. The committee met again publicly on July 20, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is better than it was last week.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

1. Section 910.669 is added as follows:

§ 910.669 Lemon Regulation 369.

The quantity of lemons grown in California and Arizona which may be handled during the period July 25, 1982, through July 31, 1982, is established at 275,000 cartons.

2. Section 910.668 Lemon Regulation 368 (47 FR 30964) is revised to read as follows:

§ 910.668 Lemon Regulation 368.

The quantity of lemons grown in California and Arizona which may be handled during the period July 18, 1982, through July 24, 1982, is established at 300,000 cartons.

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

Dated: July 22, 1982.

D. S. Kuryloski,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82–20195 Filed 7–22–82; 11:42 am]

BILLING CODE 3410–02–M

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 82–004I]

Production Requirements for Cooked Beef, Roast Beef, and Cooked Corned Beef

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Interim final rule.

SUMMARY: This interim rule establishes production requirements for cooked beef, roast beef and cooked corned beef. Cooking requirements for cooked beef and roast beef involving time, temperature, and, in some cases, relative humidity were established in 1977 and 1978 following a number of outbreaks of *Salmonella* food poisoning, or salmonellosis. Small numbers of *Salmonella* micro-organisms are a common contaminant of raw beef; however, these mocro-organisms are destroyed if the product is properly cooked. The resulting cooked product is safe unless it is recontaminated with such *Salmonella* micro-organisms which render the product injurious to health. Following the implementation of the cooking requirements, one outbreak of salmonellosis occurred in 1978 due to a deviation from the cooking requirements. No further outbreaks occurred until 1981, when a number of additional outbreaks occurred. In addition, recent surveys revealed the presence of salmonellae in cooked corned beef. Investigation has shown that the recent outbreaks of salmonellosis resulted because the processors did not use one of the prescribed cooking time and temperature combinations, or failed to maintain good sanitary practices or failed to maintain adequate separation of raw and cooked product, thus permitting cooked product to become recontaminated and adulterated. The new rules reorganize and clarify the existing rules, strengthen the cooking requirements, require marking with the date of production, and establish handling and storing requirements. Adherence to these rules is designed to assure the absence of salmonellae in properly cooked beef, roast beef, and cooked corned beef when the product leaves the official establishment.

DATES: Interim rule effective July 23, 1982, comments must be received on or before September 21, 1982.

ADDRESS: Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Food Safety and Inspection Service, U.S. Department of Agriculture, Room 2637, South Agriculture Building, Washington, DC 20250. (See also "Comments" under "Supplementary Information".)

FOR FURTHER INFORMATION CONTACT: Mr. Bill F. Dennis, Director, Processed Products Inspection Division , Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3840.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this interim final rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Among the 250 federally inspected meat establishments producing cooked beef and roast beef, there have been five outbreaks of salmonellosis since 1978. In

August 1978, the first outbreak of salmonellosis was apparently caused by the processor's failure to follow proper cooking procedures. The other outbreaks of salmonellosis, which occurred in the summer and fall of 1981, were apparently caused primarily by the processors' failure to adhere to the general principles of good sanitary practice, especially the prevention of recontamination of cooked product prior to packaging. As a result of the outbreaks of salmonellosis, at least 194 people became ill. (Salmonellosis is usually an unpleasant and debilitating but nonfatal gastroenteritis. However, very young, elderly, or ill people can be fatally affected.)

Due to the continuing, present health risk, the Agency is amending, on an interim basis and effective immediately, those Federal meat inspection regulations which pertain to the processing, handling, and storing of cooked beef and roast beef.

Additionally, in an ongoing information gathering process related to this health risk, the Agency is conducting a surveillance program of establishments in the Northeastern region of the United States producing roast beef and cooked beef. In early January of this year, samples of cooked corned beef were also collected from 17 of those same establishments, and two of them had samples which were positive for the presence of salmonellae. Corned beef is a cured product, and, because of the presence of nitrite, the color of the meat is not nearly as heat-sensitive as roast beef. For this reason, most manufacturers of cooked corned beef tend to use a higher temperature, a longer cook time, or both, than they use for roast or cooked beef, which results in the destruction of salmonellae. However, some manuacturers presently cook this product at a temperature as low as 140° F. Therefore, the Agency is applying to cooked corned beef the same requirements as it is applying to cooked beef and roast beef. The Agency may add additional heat process requirements and further broaden the applicability of this regulation to other meat products, such as pastrami, if further study shows additional requirements are necessary to protect the public's health.

In view of the imminent health hazard in this situation, the Agency did not consider any alternative to this interim rule. Therefore, pursuant to the administrative procedures in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action is impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this emergency interim action effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and this emergency interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this interim rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it contains sufficient flexibility to allow a number of different production procedures to be used which will result in safe, wholesome product.

Many of the establishments which produce cooked beef, roast beef, and cooked corned beef are small entities and quite frequently produce more than one product. The interim rule, however, can be implemented inexpensively, and has been written to allow maximum flexibility consistent with the problem to be corrected.

Specifically, the change may affect a small establishment in any of five areas:

1. The establishment operator is required to develop a reasonable method of producing a safe product, describe it in writing for approval by the Regional Director, Food Safety and Inspection Service (FSIS), and follow the written procedure.

2. The establishment operator is required to follow a few common sense rules when processing and cooking the product, such as assuring that nonmeat ingredients, like spice solutions, do not spread salmonellae as they are reused, preventing the overlap or routine contact of product when cooking or cooling, and placing monitoring devices properly so that they will work as they are intended.

3. The establishment operator is required to calendar or code date each immediate container of product. This identification procedure is necessary to aid the Department in identifying the cause, isolating the suspect product, and rapidly preventing further spread of the illness if a food poisoning outbreak occurs. In this event, dated product is likely to make it possible to more precisely identify the suspect product and aid in voluntary recalls by an establishment or detention and seizure actions. This, in turn, could lower the establishment's cost beyond that which would be possible without the production date information, because the establishment might have to recall only products from particular lots, rather than larger quantities of product to provide assurance that all adulterated products are removed from the marketplace.

4. Cooked beef, roast beef, and cooked corned beef heated to an internal temperature of 145° F are now subject to the same monitoring and, where applicable, oven temperature and humidity provisions previously applied to those products processed under one of the alternate procedures. The monitoring devices requirement need not be burdensome to small processors because the interim rule provides for use of alternative control records, in specific cases, if compliance with the 145° F cooking temperature and the relative humidity requirement can be assured. Because most manufacturers of cooked corned beef already heat their product higher than 145° F, compliance of the time and temperature requirements will not be burdensome for such manufacturers.

5. Specific product separation requirements have been introduced. These will require cooked and raw product to be separated either by physical means or production time. The interim rule does, however, allow processors to submit written alternate cooked/raw product separation procedures to the Agency's Processed Products Inspection Division for consideration.

This interim rule is designed to assist small businesses producing cooked beef, roast beef, and cooked corned beef. Their market has been somewhat jeopardized because of a perceived public health risk associated with their products, due to recent findings of salmonellae in samples of these products and recent outbreaks of human salmonellosis. The interim regulation provides a flexible, cost-effective means to assure production and sale of safe and wholesome product.

Comments

Interested persons are invited to submit written comments concerning this interim rule. Comments must be sent in duplicate to the Regulations Office and should bear a reference to the docket number located in the heading of this document. Comments submitted pursuant to this interim rule will be made available for public inspection in the Regulations Office, Food Safety and Inspection Service, U.S. Department of Agriculture, Room 2637,

South Agriculture Building, Washington, DC 20250, between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Salmonellae are common bacteria which are often associated with warm-blooded animals, including man. Many animals which are not clinically ill are nevertheless carriers of these organisms. The physical nature of raw beef roasts is such that the penetration of microorganisms, including salmonellae, into the deepest portions of the roast may occur. Gaps in intermuscular connective tissue, knife cuts, and deep folds are some of the physical features that contribute to such penetration. Deep penetration of salmonellae and other micro-orgranisms may also occur during boning, packing, defrosting, and pre-cook handling of the raw roasts, or by the flow of natural juices during the cooking process. A significant public health hazard is created when the cooking procedure fails to kill the salmonellae. If this contaminated product is then exposed to temperature abuse in distribution or consumer channels, human salmonellosis may result.

On September 2, 1977, the Agency published cooking requirements for cooked beef and roast beef as an emergency measure to prevent outbreaks of human salmonellosis caused by the consumption of commercially prepared cooked beef (42 FR 44217). These requirements specified that such products be prepared by a cooking procedure that produced a minimum temperature of 145° F (63°C) in all parts of each roast. This procedure was deemed necessary in order to destroy all *Salmonella* bacteria present in the roast.

Although a 145° F cooking temperature destroys the salmonellae, many consumers prefer rare roast beef and they do not consider beef cooked to 145° F as rare. Seven trade associations, therefore, funded studies, the design of which was approved by the Agency, to develop alternative time and temperature procedures. A number of these time and temperature alternatives were submitted to the Agency, examined, found to be safe, and added to the regulation as alternative requirements on July 18, 1978 (43 FR 30719).

Nevertheless, since that date, there have been five outbreaks of salmonellosis attributed to product from among the 250 establishments producing roast beef and cooked beef. Of these 250 establishments, 190 use the 145° F procedure, 52 use an alternative procedure, and eight use both. The first four outbreaks were attributed to product produced in establishments using the 145° F procedure, while only the last outbreak was attributed to product produced in an establishment using an alternative procedures.

The first outbreak, in August 1978, was related to the processor's failure to adhere to the correct cooking procedure. The second through the fifth, all in 1981, apparently occurred primarily as the result of poor sanitation practices; specifically, they were apparently due to the recontamination with salmonellae of cooked product by raw product, either directly or indirectly, prior to packaging of the finished cooked product.

The New York State Department of Health on November 6, 1981, and the U.S. Department of Health and Human Services' Centers for Disease Control in Atlanta on November 27, 1981, issued public health warnings concerning precooked rare roast beef.

On January 8, 1982, the Administrator, Food Safety and Inspection Service, met with officials from the public health departments of Vermont, New Jersey, Connecticut, Pennsylvania, New York, and Delaware; trade association officials; consumer protection officials; and officials from the Centers for Disease Control. The States presented a list of recommended actions at the conclusion of the meeting.

One recommendation was to reevaluate the alternate cooking methods, which the Agency has done. The Agency has no evidence, after a thorough reconsideration, that any of the alternative time and temperature combinations are unsafe. In addition, as noted above, four of the five recent outbreaks occurred in establishments using the 145° F cooking temperature rather than an alternative cooking method.

Another recommendation, that the "Hazard Analysis Critical Control Point" approach be used, was accepted in principle. (Hazard analysis of critical control points is part of a system used by the Food and Drug Administration by which known hazards are monitored at critical points of the processing of a food product to prevent those hazards from occurring.) Certain basic requirements can and do serve as guideposts to good manufacturing practice. Many of the specific points raised by the States had already been considered by the Agency. However, some new points were raised as well.

Overall, the exchange was useful and many of the provisions of this regulation were considered at that meeting. A copy of the States' recommended actions and the Agency's responses may be obtained from the Processed Products Inspection Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

The New Regulation

The following regulation, issued as an interim rule due to the immediate nature of the health risk involved, is intended to prevent the handling, processing, and storage deficiencies which are associated with adulteration of cooked beef, roast beef, and cooked corned beef with salmonellae. It incorporates the requirements in the existing regulation, reorganized for clarity, and adds new provisions as discussed below.

1. Time and Temperature Requirements for Cooked Corned Beef (§ 318.17(a)). The time and temperature requirements in roast beef have also been made applicable to cooked corned beef. No independent data base exists as to the survival rate of salmonellae in cooked corned beef. The Agency, using professional judgment, has determined that the times and temperatures for cooked beef and roast beef are appropriate for cooked corned beef as well.

2. Relative Humidity Control (§ 318.17(c)). The original requirement was for a minimum internal temperature only. The roast and cooked beef were required to be heated to 145° F. When the alternate temperatures with accompanying times were added, consideration was given to the fact that, at relatively low oven temperatures, the amount of moisture in the heating environment is important in the death rate of salmonellae. Salmonellae are much more resistant to heat in a dry environment. But the relative humidity requirement was made applicable only to the lower temperatures which were being added, not to the existing 145° F requirement. In the reorganized table of time and temperature combinations, for product under 10 pounds, the relative humidity provision is applied to all temperatures, including the 145° F requirement. The extension of this provision is needed to insure destruction of salmonellae in beef dry roasted at 145° F.

3. Monitoring Devices (§ 318.17(d)). A requirement for monitoring equipment was already in the regulation. It has been retained and reworded slightly to make clear that the 145° F temperature must be monitored. Additional flexibility has been added to the existing rule, in accordance with the Agency policy of allowing maximum flexibility consistent with safety, by allowing for approved alternatives to recording devices with respect to the humidity

requirements of paragraph (c) of § 318.17 of this part (9 CFR 318.17(c)) and with respect to the 145° F temperature requirements of paragraph (a) of § 318.17 of this part (9 CFR 318.17(a)).

The reason that similar flexibility is not permitted with respect to other time and temperature combinations is that the other time and temperature combinations are so sensitive that a 1 degree difference in process temperature can require a 5 to 7 minute change in process time. Therefore, without a continuous recording device, the Agency has determined that process safety cannot be assured.

4. Written Procedures (§ 318.17(e)). The establishment is required by this regulation to describe in writing its procedures for handling, processing, and storing product. The written procedures must include all time and temperature combinations for cooking, cooling and defrosting, the lot identification procedure, and any variances or alternate procedures. The procedure must be reviewed and approved by the Regional Director, FSIS.

This review of proposed procedures by process control experts in the regional office should assist the establishment in producing safe, wholesome products. With the written procedure in hand, the establishment operators and the inspectors have an objective standard against which to measure actual production.

5. Date of Production Labeling (§ 318.17(e)). The date of production is being required on all immediate containers of product to aid in determining whether product caused a food poisoning outbreak, to identify suspect product, and to aid in voluntary plant recalls or inspection detention and seizure actions. When the product is not identified by date of production, investigation may be significantly hindered, and recalls and detention actions must encompass larger quantities of product to provide assurance that all adulterated product is removed from the marketplace.

6. Identification of Process (§ 318.17(h)(1)). A plant may well have several approved cooking processes, depending on the purchaser's preferences and depending also on the cut or thickness of the beef in a particular lot. The inspector must know which process is being used so that he can properly monitor it.

7. Sizing of Product (§ 318.17(h)(2)). Individual pieces of product cooked at the same time and in the same piece of cooking equipment are required to be relatively uniform in weight and thickness. This provides assurance that all pieces of product receive the same heat penetration.

8. Good Manufacturing Practices (§ 318.17(h)(6), (7), (8), and (9)). Because the products to be controlled are ones which have caused public health problems, some specific manufacturing practices are established as safety requirements. Placing units of the product so that they do not touch or overlap during cooking and cooling is important to proper heat transfer. Placing temperature sensing devices in the coldest portion of the cooking unit assures that all product receives the intended cook. Placement is equally important for a humidity sensing device. Holding product in the cooking unit until time and temperature requirements have been met is also needed to assure adequacy of cook.

9. Control of Nonmeat Ingredients (§ 318.17(h)(3) and (4)). Large numbers of salmonellae can be spread from meat cut to meat cut through nonmeat ingredients such as spice mixtures or solutions which contact more than one cut. If salmonellae contaminate an ingredient solution relatively early in the shift and the solution is maintained at room temperature or higher, the salmonellae may multiply quite rapidly. Meat cuts on which these solutions are used are then contaminated with large numbers of salmonellae. To prevent this, such solutions are required to be maintained at 50°F or lower throughout the shift from the time they contact the meat, to be filtered each time they are reused to remove meat particles and as many as possible of the accompanying micro-organisms, and to be discarded at the end of the shift. Because dry spice mixtures that have contacted product may also function as a source of cross-contamination, although they are less likely to permit a microbiological buildup, they are also required to be discarded at the end of the shift.

10. Control of Temperature and Time During Heating and Cooling (§ 318.17(h)(5), (10)). As an additional safeguard against *Salmonella* growth, the time the product spends between 40°F and 120°F should be as closely limited as possible. Therefore, the rule requires an establishment to either begin cooking within 2 hours after the completion of precooking preparation or chill the product, to begin chilling within 90 minutes after cooking is completed, and to complete the chilling to 40°F within 7½ hours after cooking is completed. To provide additional flexibility, provision has been made to permit establishments to have alternate cooling procedures if they submit adequate data showing the procedures are satisfactory.

11. Process Deviations (§ 318.17(h)(11) and (12)). A process will occasionally deviate from the specified procedure. The rule provides a way for the establishment to determine how product is to be handled once a process deviation has occurred. Although both are serious, a cooking deviation is easier to deal with than a cooling deviation. The product can be cooked to a higher temperature or for a longer period of time and the cooking deviation can be remedied. The cooling deviation, however, frequently requires a determination as to whether a particular batch of product, which was cooled more slowly than the regulation requires, can be used as human food. Because of this difference, the regulation allows an establishment to contact the Regional Director for a cooking schedule in case of a process deviation, but requires an establishment to contact the Processed Products Inspection Division for disposition of product in case of a cooling deviation.

12. Prevention of Cooked Product Recontamination (§ 318.17(i), (j), and (k)). One of the most common reasons for a salmonellosis outbreak to occur from meat products is the direct or indirect contamination of cooked meat by raw meat. Small amounts of salmonellae are commonly found in raw meat. If raw meat is handled during processing too close to cooked meat so that they touch, the cooked meat could become recontaminated with salmonellae. Recontamination can also occur if the cooked meat comes in contact with a work surface which is contaminated with salmonella. Once on cooked meat, the salmonellae can increase rapidly. Because the evidence is convincing that much of the *Salmonella* hazard results from this type of recontamination, it is here that the Agency has imposed its most stringent requirements. In order to prevent contamination of cooked product by raw product, the Agency is requiring that they be either handled in separate areas with a wall between them, or that they be handled in the same area but at different times to permit thorough cleaning between uses. However, here, as at several other points, the Agency has made provision for affected establishments to show that product could be safely produced under alternate requirements.

In order to prevent indirect recontamination, the rule establishes some additional handling requirements for work surface, machines, tools, and employees' hands and clothing so that salmonellae are not carried by these

means from the raw meat to the cooked meat.

Finally, a storage requirement is established to assure that recontamination does not occur after processing and before the cooked product is securely wrapped in an impervious container.

Information collection requirements contained in this regulation (§ 318.17) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0583–0015.

Indexing Terms. As required by 1 CFR 18.20 (46 FR 7162, Jan. 22, 1981), the following are the index terms for this regulation:

List of Subjects in 9 CFR Part 318

Meat inspection, Preparation of products.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

Accordingly, § 318.17 of the Federal meat inspection regulations (9 CFR 318.17) is revised as set forth below:

1. The authority citation for Part 318 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, (33 U.S.C. 1254).

2. The heading and text of § 318.17 are revised to read as follows:

§ 318.17 Requirements for the production of cooked beef, roast beef, and cooked corned beef.

(a) Cooked beef, roast beef, and cooked corned beef shall be prepared by one of the time and temperature combinations described in the following table, provided that the procedure produces and maintains the minimum temperature required in all parts of each roast for at least the stated time:

TABLE FOR TIME/TEMPERATURE COMBINATION FOR COOKED BEEF, ROAST BEEF, AND COOKED CORNED BEEF

Minimum internal temperature		Minimum processing time in minutes after minimum temperature is reached
Degrees Fahrenheit	Degrees Centigrade	
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5
145	62.8	(1)

1 Instantly.

(b) Cooked beef or cooked corned beef shall be moist cooked. It shall be either (1) placed in a sealed, moisture impermeable bag, from which the excess air has been removed, and cooked in a water bath or oven, or (2) completely immersed, unbagged, in water throughout the entire cooking process.

(c) Roast beef shall be cooked either (1) by heating roasts of 10 pounds or more in netting or on racks using dry heat in an oven maintained at 250°F (121°C) or higher throughout the process; or (2) by heating roasts of any size in an oven maintained at any temperature that will satisfy the internal temperature and time requirements of paragraph (a) if the relative humidity of the oven is maintained above 90 percent for at least 25 percent of the total cooking time, but in no case for less than 1 hour. This relative humidity may be achieved by use of steam injection or by sealed ovens capable of producing and maintaining the required 90 percent relative humidity.

(d)(1) Except as provided in paragraph (d)(2), establishments producing cooked beef, roast beef, and cooked corned beef shall have sufficient monitoring equipment, including recording devices, to assure that the time (within 1 minute), temperature (within 1°F) and relative humidity (within 5 percent) limits required by these processes are being met. Data from the recording devices shall be made available to a program employee upon request.

(2) In lieu of recording devices, establishments may propose in the written procedures prescribed in paragraph (f) of this section, an alternative means of providing inspection personnel with evidence that finished product has been prepared in compliance with the humidity requirements of paragraph (c) of this section, and the 145°F temperature requirement of paragraph (a) of this section.

(e) Each package of finished product shall be plainly and permanently marked on the immediate container with the date of production either in code or with the calendar date.

(f) In order to assure that cooked beef, roast beef, and cooked corned beef are handled, processed, and stored under sanitary conditions, the establishment shall submit a set of written procedures through the inspector in charge for approval by the Regional Director. The written procedures shall contain the following information:

(1) The temperature to which frozen product is thawed and the time required.

(2) The lot identification procedure for lots of product during processing.

(3) The processing and storage time and temperature combinations which the establishment intends to use.

(4) The time, if any, the establishment intends to wait after cooking and before cooling.

(5) If a code is used on the immediate container of the finished product, its meaning shall also be included.

(6) Any other critical control points in the procedures which could affect the safety of the product.

(7) In lieu of recording devices, the alternate means permitted by § 318.17(d)(2) of providing evidence to inspection personnel that the finished product will be prepared in compliance with temperature or humidity requirements.

(g) The establishment shall maintain records and reports which document the time, temperature, and humidity at which any cooked beef, roast beef, or cooked corned beef is prepared at the establishment. Such records shall be kept by the establishment for 6 months or for such further period as the Administrator may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such records. Such records shall be made available to a program employee upon request.

(h) The handling, processing, and storing of cooked beef, roast beef, and cooked corned beef before, during, and after cooking shall be controlled by the establishment as follows:

(1) The establishment shall notify the inspector in charge which processing procedure will be used on each lot, including time and temperature.

(2) In order to assure uniform heat penetration and consequent adequate cooking of each piece of beef, individual pieces of raw product in any one lot shall not vary in weight by more than 2 pounds nor in thickness by more than 2 inches at the thickest part. Alternate methods of assuring uniform heat penetration may be submitted in writing for approval to Processed Products Inspection Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

(3) A water-based solution that is used for injecting or immersing the meat shall be refrigerated to 50°F or lower from the time it contacts the meat, and shall be filtered each time it is recirculated or reused.

(4) A nonmeat ingredient, including the water-based solution in (h)(3) above, which has contacted meat shall be discarded at the end of that day's production.

(5) Product prepared for cooking shall be entered into the cooking cycle or be chilled to an internal temperature of 40°F or lower within 2 hours of the completion of precooking preparation.

(6) The time and temperature requirements shall be met before any product in the lot is removed from the cooking units. Unless otherwise specified in the written procedures approved in accordance with paragraph (f) of this section, the heat source shall not be shut off until these requirements are met.

(7) Other than incidental contact caused by water currents during immersion cooking or cooling, product shall be placed so that it does not touch or overlap other product.

(8) Temperature sensing devices shall be so placed that they monitor product and, when oven temperature is required by paragraph (c) of this section, oven temperature in the coldest part of the cooking unit.

(9) If a humidity sensing device is required in an oven, it shall be placed so that it measures humidity in either the oven chamber or at the exit vent.

(10) Chilling shall begin within 90 minutes after the cooking cycle is completed, and the product shall be chilled to an internal temperature of 40°F or lower within 7½ hours after the cooking cycle is completed, unless an alternate chilling procedure is used. Alternate chilling procedures shall first be approved by the Processed Products Inspection Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Request for approval of alternate chilling procedures shall be submitted in writing and shall provide complete details and supporting data.

(11) Any establishment that has experienced a cooking process deviation during preparation of product may either reprocess the product completely, continue the heating to 145°F or contact the Regional Director for a review of the process schedule for adequacy and, if needed, for a cooking schedule to finish this one batch of product.

(12) An establishment that has experienced a cooling deviation after the product has been cooked shall contact the Processed Products Inspection Division to determine the disposition of that retained product.

(i) Cooked beef, roast beef, and cooked corned beef shall be so handled as to assure that the product is not recontaminated by direct or indirect contact with raw product. To prevent direct contamination of the cooked product, establishments shall (1) physically separate areas where raw product is handled from areas where exposed cooked product is handled, using a solid impervious floor to ceiling wall; or (2) handle raw and exposed cooked product at different times, with a cleaning of the entire area after the raw material handling is completed and prior to the handling of cooked product in that area; or (3) submit a written procedure for approval to the Processed Products Inspection Division, detailing the steps to be taken which would avoid recontamination of cooked product by raw product during processing.

(j) To prevent indirect contamination of cooked product, (1) any work surface, machine, or tool which contacts raw product shall be thoroughly cleaned and sanitized with a solution germicidally equivalent to 50 ppm chlorine before it contacts cooked product; (2) employees shall wash their hands and sanitize them with a solution germicidally equivalent to 50 ppm chlorine whenever they enter the heat processed product area or before preparing to handle cooked product, and as frequently as necessary during operations to avoid product contamination; and (3) outer garments, including aprons, smocks, and gloves shall be especially identified as restricted for use on cooked product only, changed at least daily, and hung in a designated location when the employee leaves the area.

(k) Cooked product shall not be stored in the same room as raw product unless it is first packaged in a sealed, water-tight container.

The Administrator, Food Safety and Inspection Service, has determined that immediate implementation of this rule, on an interim basis, is necessary in order to prevent further outbreaks of human salmonellosis caused by the consumption of commercially prepared cooked beef and roast beef and to prevent similar outbreaks from the consumption of cooked corned beef.

Done at Washington, DC, on July 9, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-19951 Filed 7-22-82; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 500 and 503

[Docket No. ERA-R-80-24]

Powerplant and Industrial Fuel Use Act of 1978; Cogeneration Exemption; Final Rules; Correction

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Final rule; correction.

SUMMARY: This document makes technical corrections to a document published July 6, 1982 (47 FR 29209) relating to cogeneration exemptions under the Power Plant and Industrial Fuel Use Act of 1978.

FOR FURTHER INFORMATION CONTACT: Constance L. Buckley, (202) 252-1774.

SUPPLEMENTARY INFORMATION: In FR Doc. 82-18216, on page 29209, in the issue of Tuesday, July 6, 1982, on page 29209, make the following correction to Summary, line 7, correct "1982" to read "1981". On page 29210, paragraph III. A, Procedural Matters, line 1, correct "Selection" to read "Section".

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-19924 Filed 7-22-82; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 82-479]

Amendments Relating to Calculation of the Net-Worth Requirement

Dated: July 15, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board has amended its regulations pertaining to net-worth calculation to clarify that certain balances normally reported by insured institutions under the general heading "liabilities" may be properly viewed as contra-asset accounts and, therefore, should be excluded from the base amount from which the regulatory net-worth requirement is calculated. The Board believes that this amendment will result in a more realistic approach to the calculation of the net-worth requirement.

EFFECTIVE DATE: June 30, 1982.

FOR FURTHER INFORMATION CONTACT: David Schweitzer, Office of

Examinations and Supervision (202–377–6574), or John P. Soukenik, Deputy Director, Division of Corporate and Regulatory Structure, Office of General Counsel (202–377–6411), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Paragraph (b)(2) of § 563.13 (12 CFR 563.13(b)(2)) contains instructions for computing the minimum required amount of regulatory net worth. One step in this computation involves determining a percentage of "all liabilities." Until today's amendment, "all liabilities" had been defined simply as total assets minus net worth. The Board is revising the definition to clarify that total assets should be calculated net of certain account balances that, although reported by institutions on the liabilities schedule in reports to the Board, are actually contra-asset accounts. A contra-asset is a deduction from a specific asset account, carried as a separate account for bookkeeping purposes. Specifically, accounts entitled "loans in process," "specific reserves," and all "deferred credits" with the exception of deferred taxes may be considered contra-asset accounts rather than liabilities.

In terms of the Board's Semiannual Financial Report, the following line items of "Schedule B—Liabilities," may be excluded from reported total liabilities and viewed as contra-asset accounts in calculating the base, "all liabilities," under § 563.13(b)(2):

Line No.	Caption
B–122	Loans-in-Process: Mortgage Loans.
B–123	Loans-in-Process: Other Loans.
B–127	Reserve for Uncollected Interest.
B–128	Other Specific Reserves.
B–129	Unearned Profit on Real Estate Sold.
B–130	Unearned Discount on Loans Purchased.
B–131	Other Unearned Discounts.
B–132	Deferred Loan Fees.
B–134	Deferred Gain on Securities.
B–135	Other Deferred Credits.

Report line item B–133, "Deferred Federal Income Taxes," is not a contra-asset account and may not be deducted. Deferred state taxes are currently reported as part of line B–135, Other Deferred Credits. Therefore, preliminary net-worth compliance tests made on the basis of the Semiannual Financial Report data will be inaccurate to the extent that deferred state taxes, a true liability, cannot be distinguished from other deferred credits properly deducted as contra-asset accounts. Institutions will, however, be required to include in the "all liabilities" category both deferred federal and deferred state taxes when making formal compliance calculations.

Because the Board believes that it is important to authorize use of the revised liability calculation, the Board finds that observance of the notice and comment procedures of 12 CFR 508.11 and 5 U.S.C. 533(b) and the 30-day delay of effective date provision of 12 CFR 508.14 and 5 U.S.C. 533(d) is unnecessary and contrary to the public interest, and the amendments will become effective as of June 30, 1982. This effective date will allow insured institutions with annual closing dates on or after June 30, 1982, to use the new method of calculating their networth requirement in current reports to the Board.

List of Subjects in 12 CFR Part 563

Savings and loan associations.

PART 563—OPERATIONS

Accordingly, the Board hereby amends Part 563, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

1. Section 563.13 is amended by revising the first sentence of paragraph (b)(2), to read as follows:

§ 563.13 Reserve accounts.

* * * * *

(b) *Net-worth requirement.* * * *

(2) *Minimum required amount.* On the annual closing date of the twentieth anniversary of insurance of accounts and on each annual closing date thereafter, an institution shall have net worth at least equal to the sum of (i) three percent of the amount on the date specified in paragraph (b)(1) of this section or of the average amount on such date and on the corresponding date(s) of one or more of the four immediately preceding fiscal years (provided all such dates are consecutive) of all liabilities (*i.e.*, total assets, net of the following: loans in process, specific reserves, and deferred credits other than deferred taxes; minus net worth as defined by § 561.13 of this Subchapter) of the institution, (ii) two percent of recourse liabilities (as defined in § 561.8 of this Subchapter) resulting from the sale of any loan, and (iii) an amount equal to 20 percent of the institution's scheduled items. * * *

* * * * *

(Sec. 409, 94 Stat. 160. Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1464) Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

Gregory B. Smith,

Acting Secretary.

[FR Doc. 82–20012 Filed 7–22–82; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 373

Documentation for Reexports Under a Distribution License; Correction

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

ACTION: Correction to final rule.

SUMMARY: On June 10, 1981 (46 FR 30623), the Export Administration Regulations were revised to reduce the documentation for reexports under a Distribution License. However, on April 8, 1982 (47 FR 15106–15116), a revision to § 373.3(i)(3) to change an address inadvertently inserted outdated provisions governing documentation under a Distribution License.

This rule, which neither expands nor limits the provisions of the Export Administration Regulations, revises § 373.3(i)(3) to reinstate the provisions published on June 10, 1981, which had reduced the documentation for reexports under a Distribution License.

EFFECTIVE DATE: July 23, 1982.

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

Rulemaking Requirements

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

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

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

4. This rule is not a major rule within the meaning of section 1(b) of Executive

Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Part 373

Exports.

PART 373—SPECIAL LICENSING PROCEDURES

Accordingly, Part 373 of the Export Administration Regulations is amended as follows:

1. Section 373.3(i)(3) is revised to read as follows:

§ 373.3 Distribution license.

* * * * *

(i) * * *

(3) Request for specific reexport authorization. A request for specific authorization for any reexport under a Distribution License that is not authorized by the provisions of § 373.3(i)(1) or (2) above, shall be submitted on a Form ITA–699P, Request to Dispose of Commodities or Technical Data Previously Exported, or by letter, to the Office of Export Administration at the address in § 373.1(d). (See § 374.3.) Each request shall be supported by any document that is required for an individual reexport request under the provisions of § 374.3(c).

(Secs. 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. section 2401 *et seq.;* E. O. No. 12002 (42 FR 35623, July 11, 1977) and E. O. No. 12214 (45 FR 29783, May 6, 1980))

Dated: July 7, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82–19873 Filed 7–22–82; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

15 CFR Part 981

Licensing of Ocean Thermal Energy Conversion Facilities and Plantship; Correction

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

ACTION: Correction of final rule.

SUMMARY: This document corrects two legal citations and changes a cross reference contained in final regulations which were published July 31, 1981 (46 FR 39388) implementing the ocean thermal energy conversion (OTEC) facility and plantship licensing provisions of the Ocean Thermal Energy Conversion Act of 1980.

EFFECTIVE DATE: This correction is effective July 23, 1982.

FOR FURTHER INFORMATION CONTACT: Lowell Martin, OTEC Licensing Program Manager, Office of Ocean Minerals and Energy, NOAA, Page I Building, Room 410, 2001 Wisconsin Ave., NW., Washington, D.C. 20235 (202) 254–3483.

§§ 981.210 and 981.580 [Corrected]

SUPPLEMENTARY INFORMATION: NOAA is hereby making minor changes in citations and references in 15 CFR Part 981 as follows: (1) The legal citations in line 11, 15 CFR 981.210(b) (46 FR 39401, 7/31/81) are corrected to read "40 CFR Part 122, 40 CFR Part 124, and 40 CFR 125.120 et seq." (2) The cross reference in § 981.580(b)(2) line 11 (46 FR 39415, 7/31/81) is changed from "981.590(b)" to "15 CFR Subpart 904.102 (46 FR 61645, 12/18/81)."

Dated: July 16, 1982.

Francis J. Balint,

Director, Office of Information and Management Services.

[FR Doc. 82–20025 Filed 7–22–82; 8:45 am]

BILLING CODE 3510–12–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9103]

The Times Mirror Company, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Dismissal order.

SUMMARY: This order returns the matter to adjudication and dismisses the complaint charging a Los Angeles, Calif. publisher with adversely affecting competition by the use of a discriminatory rate structure for run-of-the-paper and suburban display advertising. Having considered the views of the parties and the comments received from the public, the Commission concluded that the public interest would best be served by rejecting the consent agreement and dismissing the complaint.

DATES: Complaint issued July 27, 1977. Dismissal order issued July 8, 1982.[1]

[1] Copies of the Complaint, Statement of the Commission, Separate Statement of Chairman Miller, Separate Statement of Commissioner Clanton, Separate Statement of Commissioner Pertschuk and the Final Order Returning Matter To Adjudication And Dismissing Complaint filed with the original document.

FOR FURTHER INFORMATION CONTACT: Robert J. Enders, Regional Director, 7R, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Blvd., Los Angeles, CA 90024, (213) 824–7575.

SUPPLEMENTARY INFORMATION: On Thursday, Oct. 1, 1981, there was published in the **Federal Register,** 46 FR 48226, a proposed consent agreement with analysis In the Matter of The Times Mirror Company, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the matter returned to adjudication and dismissed the complaint.

List of Subjects in 16 CFR Part 13

Advertising, Newspapers.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45)

The Final Order Returning Matter To Adjudication And Dismissing Complaint is as follows:

On November 7, 1980, this matter was withdrawn from adjudication for consideration by the Commission of a proposed consent agreement. The Commission accepted the proposed consent and placed it on the public record on September 25, 1981, for comment pursuant to § 3.25(f) of the Commission's rules of practice and procedure.

Having considered the views of the parties to the consent and the comments received from the public, the Commission has determined that the public interest would best be served by rejecting the consent agreement and dismissing the complaint. Therefore

It is ordered that this matter be returned to adjudication and

It is further ordered that the complaint issued in the matter be, and it hereby is, dismissed.

By the Commission.

Carol M. Thomas,

Secretary.

Statement of the Commission

By Bailey, Commissioner

The Commission brought this case in 1977 out of a concern that the *Los Angeles Times'* discriminatory rate structure for run-of-the-paper and suburban display advertising adversely affected competition by disadvantaging smaller advertisers. In November 1980 the *Los Angeles Times* entered into a negotiated agreement and

jointly with FTC staff proposed a consent order for the Commission's consideration.

On September 25, 1981, the Commission, Commissioner Clanton dissenting, provisionally accepted the consent order. At that time, however, the Commission expressed concern about whether the order would work as intended, and whether it was practical or feasible to apply similar orders to newspapers in other markets. The Commission believed it had insufficient data against which to test its concerns and so sought public comment on the order for ninety days.

The comment period produced a broad sampling of opinion: 65 newspapers and broadcasters, 13 media trade associations, 10 retailers, 7 trade associations and four individuals reponded. Of the 99 comments received, 98 urged the Commission to reject the consent order.

These comments caused reexamination of two important assumptions which formed the basis of the Commission's original decision to bring the case and on which the proposed consent was based. The first assumption was that smaller advertisers were injured competitively by the *Los Angeles Times'* cumulative volume discount rate structure. However, all but one of the retailers and retail trade associations which responded opposed the consent agreement and indicated no concern about competitive injury. Their position was reinforced by academics knowledgeable in the field of mass media economics, who concluded that the benefits of the proposed order were fairly speculative, and that the order might well raise prices to all advertisers. Thus, the Commission has concluded that the benefits to competition from accepting this order are much more uncertain than was originally believed.

The comments also highlighted the issue of whether the principles of this order could or should be extended beyond the *Los Angeles Times*. It now appears that to do so within the newspaper industry would be unwise, as the type of uniform pricing required by the order could impair the pricing flexibility of secondary size papers. Were the principles of the order to be extended to other advertising media, the uncertainties as to the trade-offs between vigorous pricing flexibility and the benefits of eliminating price discrimination increase. In particular, making cross-media comparisons for the purpose of assessing a valid meeting competition defense is likely to be impossible. Clearly, however, it was never the Commission's intention, and would be inappropriate now, to leave the *Los Angeles Times* as the only seller of advertising space subject to Robinson-Patman Act principles.

In conclusion, the Commission notes that the process of decision-making in this matter worked precisely as the Commission's Rules contemplate. The scope and depth of public comment contributed greatly to the Commission's ability to reach an informed decision.

Issued: July 8, 1982.

Separate Statement of Chairman Miller

In concurring with the Commission's decision today, I am heartened to find that the extensive administrative exercise required to analyze this consent proposal has reached the same conclusion that my analysis of the likely economic consequences, as well as my reading of the law, would have suggested in the first instance.

First, economic analysis and overwhelming public comment have demonstrated persuasively that an order applying Robinson-Patman rules to newspaper advertising could injure competition in this industry.

Second, and more importantly, it seems quite clear that the intent of Congress was to leave advertising rates outside the reach of the Robinson-Patman Act.[2] While I do not dispute our role of filling inadvertent gaps in antitrust law with enforcement of the FTC Act, that role should stop short of creating law in defiance of Congress.

Separate Statement of Commissioner Clanton

I concur with the Commission's decision to dismiss the complaint in this matter not only for the reasons set out in the Commission's statement but for an additional reason that I expressed earlier when I voted not to accept provisionally the negotiated consent agreement. My decision to dismiss this complaint stems from my concerns about extending the coverage of Section 5 of the FTC Act to encompass commerical cirumstances on which we reserved judgment in *Reuben H. Donnelley Corp.*, 95 F.T.C. 1 (1980), *rev'd sub nom. Official Airline Guides, Inc.* v. *FTC*, 630 F. 2d 920 (2d Cir. 1980), *cert. denied*, 101 S. Ct. 1362 (1981).

The Commission's opinion in *Donnelley* did not distinguish between an absolute refusal to deal and dealing on discriminatory terms. While we did not foreclose the possibility of reaching price discrimination under Section 5, we emphasized the difficulties of extending a duty to deal into the area of secondary-line discrimination, which is at issue in *Times-mirror*. In *Donnelley*, we signaled a cautionary note for any future applications of such a duty to deal where the inevitable result would be to involve the Commission in regulatory-style monitoring of the reasonableness of pricing or other on-going activities. 95 F.T.C. at 81. Furthermore, in defining "arbitrary" conduct in *Donnelley*, we indicated that our concern should be limited to "conduct which results in a substantial injury to competition and lacks substantial business justification." *Id.* at 82. I was persuaded earlier and remain persuaded that this matter would not be likely to meet the *Donnelley* standards for liability. At the least, I am persuaded that this possibility is insufficient to justify acceptance of the order, especially in light of the other significant uncertainties associated with the case.

Separate Statement of Commissioner Pertschuk

I have voted to reject the tentatively accepted order against *Times-Mirror* for two reasons.

First, the benefits to competition from accepting this order are much more uncertain than we had believed. The comments, by newspapers, retailers and academics alike, overwhelmingly support the view that the competitive strength of newspapers themselves require more pricing flexibility than the order allows and that smaller retailers may not be significantly helped by it.

Second, it is clear that, if we were to prohibit newspapers from giving discounts to large advertisers which are not cost-justified, we should apply the same principle to other advertising media which compete with newspapers, including network and cable television. I do not see a realistic possibility that this Commission in the foreseeable future will apply Robinson-Patman principles in this way, and I do not believe it is appropriate to single out *Times-Mirror* as the only company to be subjected to such standards.

Consequently, I join the Commission in rejecting this particular order. It is important to state, however, that this decision by the Commission does not represent any repudiation of Robinson-Patman principles, only a decision that it would be inappropriate to apply them in this case.[3]

Finally, I note that *Times-Mirror*, to its credit, argued its position thoroughly and carefully on the merits and through public comment. It did not, as has increasingly become the custom, solicit members of Congress to pressure the Commission, after having heard an incomplete and biased presentation of the disputed issues.

[FR Doc. 82-19953 Filed 7-22-82; 8:45 am]
BILLING CODE 6750-01-M

[2] In Senate floor debates, Senator Logan flatly replied, "No," when asked if the Act would require newspapers selling advertising to observe its price discrimination provisions. 80 Cong. Rec. 3115.

[3] I agree with Chairman Miller's point in his statement that the Commission should not defy the will of Congress. I therefore am hopeful that the Commission will continue to enforce the Robinson-Patman Act in other industries.

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16 CFR Part 13

[Docket 8718]

Lenox, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: This order reopens the proceeding and modifies the Commission's modified order issued on June 24, 1970, 35 FR 12754, by deleting Paragraph VIII from the order, so as to allow Lenox to prevent transshipping of its products by its authorized dealers. The Commission has also included a provision which prevents Lenox from taking disciplinary action against any dealer for transshipment which occurred before the effective date of the order.

DATES: Final Order issued April 19, 1968. Modifying Order issued July 12, 1982.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Selig S. Merber, Washington, D.C. 20580. (202) 634-4642.

SUPPLEMENTARY INFORMATION:
In the Matter of Lenox, Incorporated, a corporation. Reference to codification appearing at 35 FR 12754 remains unchanged.

List of Subjects in 16 CFR Part 13

Chinaware.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Modifying Order is as follows:

In the Matter of Lenox, Incorporated, a corporation; Decision and Order; Docket No. 8718;

Whereas, a "Request of Lenox, Incorporated for Modification of Final Order" was filed by Respondent on March 15, 1982 pursuant to section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b), and § 2.51 of the Commission's Rules of Practice, 16 CFR 2.51 wherein Lenox, Incorporated seeks a partial modification of the order that issued on June 24, 1970 by the deletion of Paragraph 8; and

Whereas, the matter was thereafter placed on the public record for thirty (30) days pursuant to § 2.51(c) of the Commission's Rules of Practice, 16 CFR 2.51(c) during which time comments from the public were received; and

Whereas, the Commission thereafter considered the Petition presented by Lenox, Incorporated and all of the materials and information submitted as public comments on the petition and has determined that the request makes a satisfactory showing that change conditions of fact and law and the public interest require that the order be reopened for the purpose of modification.

Accordingly, it is ordered that the matter is reopened and that the order is modified by deleting the language of paragraph 8 that reads: Requiring or inducing, by any means, dealers or prospective dealers to refrain, or to agree to refrain, from reselling respondent's products to any dealers or distributors;

It is further ordered that paragraphs 9 and 10 be renumbered to 8 and 9.

It is further ordered that nothing herein shall be construed to permit respondent to terminate or otherwise discipline any dealer for (1) having resold respondent's products to any dealer or distributor prior to the effective date of this Order or (2) for any such resale that occurs prior to the dealer's receipt of notice that it may be disciplined for such resale.

By the Commission. Commissioner Bailey voted in the negative. Concurring statement of Commissioner Pertschuk.

Issued: July 12, 1982.

Carol M. Thomas,

Secretary.

Separate Statement of Commissioner Pertschuk

I wish to make clear why I voted for Lenox's petition to modify the Commission order prohibiting it from engaging in resale price maintenance. The petition persuaded me that the ban on transshipping, which was included in the order originally only as an *ancillary* means of deterrence, was no longer a necessary safeguard against vertical price fixing by Lenox and could safely be dropped from the order. The petition argued that the requested relief was also necessary to maintain a strong Lenox presence and vigorous interbrand competition in the houseware china business, and that it would not cause a rollback of the gains in intrabrand competition that have occurred during the life of the order. In this regard, I found the petition to be much less persuasive. I do not believe it has been established in this reopening proceeding that competition in the china industry will be improved as a result of allowing Lenox to prevent transshipping of its products by its authorized dealers. However, since Lenox has met the statutory standard for modifying orders by showing that the ancillary transshipping provision is no longer appropriate under the circumstances, it is entitled to the relief granted.

[FR Doc. 82-20043 Filed 7-22-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-104 (Texas-3 Addition III); Order No. 242]

High-Cost Gas Produced From Tight Formations, Texas; Final Rule

Issued July 15, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

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

EFFECTIVE DATE: This rule is effective July 15, 1982.

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

SUPPLEMENTARY INFORMATION:

Before Commissioners: C. M. Butler III, Chairman; Georgiana Sheldon, J. David Hughes and A. G. Sousa.

High-Cost Gas Produced from Tight Formations; Final Rule

Issued July 15, 1982.

The Commission hereby amends § 271.703(d) of its regulations to include the Cisco Sandstone and the Canyon Sandstone Formations (Cisco-Canyon Formations), located in Glasscock County, Texas, as designated tight formations eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation, issued April 2, 1982 (47 FR 15353, April 9, 1982),[1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c) that the Cisco-Canyon Formations in Texas be designated as tight formations in § 271.703(d).

Evidence submitted by Texas supports the assertion that the Cisco-Canyon Formations meet the guidelines contained in § 271.703(c)(2). The Commission hereby adopts the Texas recommendation.

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

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.)

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

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective July 15, 1982.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

In § 271.703, paragraph (d)(12) is revised to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(12) *Cisco Sandstone Formation in Texas.* RM79–76 (Texas-3)

(i) *The Sallie (Cisco) Field*—(A) *Delineation of formation.* The Sallie (Cisco) Field in the Cisco Sandstone Formation is located in Sections 58, 59, 60, and 72, Block 2, T&P RR Survey, northeast Reagan County, Texas, and Section 42, Block 2 T&P RR Survey, southwest Sterling County, Texas.

(B) *Depth.* The top of the Cisco Sandstone Formation is located at an approximate depth of 8,030 feet and is approximately 300 feet thick.

(ii) *Credo, East (Cisco, Upper) Field*—(A) *Delineation of formation.* The Upper Cisco Formation is located in the northwestern corner of Sterling County, in west Texas, and includes 24 sections in Block 29, W&NM Survey, 13 sections in Block 31, T–4–S, T&P RR Survey, 15 sections in Block 17, SP RR Survey, 5 sections in Block 14, SP RR Survey, 36 sections in Block 23, H&TC RR Survey, and 3 sections in J. G. Soulard Survey.

(B) *Depth.* The top and base of the Upper Cisco Formation located in the Credo, East (Cisco, Upper) Field, are found at an approximate depth of 7,125 feet and 7,550 feet, respectively, as measured in the log of the HNG Oil Co. No. 21–1 McEntire well.

(iii) *The Cisco-Canyon Formations*—(A) *Delineation of formation.* The Cisco-Canyon Formations are found in the area of the Conger, S. W. (Penn) Field, Glasscock County, Texas, and consist of Sections 40 and 41, T–5–S, Block 32, T&P RR Co. Survey.

(B) *Depth.* The top of the Cisco Sandstone Formation is found at a log depth of 8,110 feet and the base of the Cisco Sandstone is found at a log depth of 8,330 feet in the Grand Banks Energy Co., No. 1 Edmonson "A" well. The total thickness of the formations is approximately 390 feet.

[FR Doc. 82–20007 Filed 7–22–82; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 546, and 555

New Animal Drugs; Change of Sponsor

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 two supplemental new animal drug applications (NADA's) filed by Lemmon Co. providing for a change of sponsor from Federal Pharmacal, Inc.

EFFECTIVE DATE: July 23, 1982.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Bureau of Veterinary Medicine (HFV–104), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4313.

SUPPLEMENTARY INFORMATION: Lemmon Co., P.O. Box 30, Sellersville, PA 18960, filed two supplemental NADA's providing for a change of sponsor from Federal Pharmacal, Inc., Kingshill, St. Croix, VI 00850. Affected by this change of sponsor is NADA 65–345 for chloramphenicol capsules and NADA 65–467 for tetracycline hydrochloride capsules. The supplemental NADA's are approved. The regulations are amended in §§ 510.600(c), 546.180a, and 555.110b to remove Federal Pharmacal as the sponsor of the approved NADA's and to provide for the new sponsor.

This action concerns a change of sponsor and does not involve any changes in manufacturing facilities, equipment, procedures, or production personnel. Under the Bureau of Veterinary Medicine's supplemental approval policy (see 42 FR 64367; December 23, 1977), this is a Category I change which does not require reevaluation of the safety and effectiveness data in the parent applications.

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.

List of Subjects

21 CFR Part 510

Administrative practice and procedure; Animal drugs; Labeling; Reporting requirements.

21 CFR Part 546

Animal drugs; Antibiotics, Tetracycline.

21 CFR Part 555

Animal drugs; Antibiotics, Chloramphenicol.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b(i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510, 546, and 555 are amended as follows:

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

1. In Part 510, § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in paragraph (c)(1) by removing the entry for "Federal Pharmacal, Inc." and in paragraph (c)(2) by removing the entry for "000345."

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 546.180a [Amended]

2. In Part 546, § 546.180a *Tetracycline hydrochloride capsules* is amended in paragraph (c)(5)(i)(*c*) by removing sponsor number "000345" and inserting in its place sponsor number "000693."

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

§ 555.110b [Amended]

3. In Part 555, § 555.110b *Chloramphenicol capsules* is amended in paragraph (c)(2)(i) by removing sponsor number "000345" and inserting in its place "000693."

Effective date: July 23, 1982.

(Sec. 512(i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b(i) and (n)))

Dated: July 16, 1982.

Richard A. Carnevale,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 82–19816 Filed 7–22–82; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Sterile Benzathine Penicillin G and Procaine Penicillin G Suspension

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 supplement to a new animal drug application (NADA) filed by John D. Copanos & Co., Inc. The supplement provides for the over-the-counter marketing of benzathine penicillin G and procaine penicillin G suspension for subcutaneous use in beef cattle.

EFFECTIVE DATE: July 23, 1982.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1788.

SUPPLEMENTARY INFORMATION: John D. Copanos & Co., Inc., Baltimore, MD 21225, filed a supplement to its approved NADA 65–277 for Combi-Pen (benzathine penicillin G and procaine penicillin G suspension). The supplement requested the over-the-counter marketing of Combi-Pen when the product is labeled solely for subcutaneous use in beef cattle for the treatment of bacterial pneumonia (*Streptococcus* spp., *Corynebacterium pyogenes, Staphylococcus aureus*); upper respiratory infections such as rhinitis or pharyngitis (*Corynebacterium pyogenes*); blackleg (*Clostridium chauvoei*); and for prophylaxis of bovine shipping fever in 300 to 500 pound beef calves. The supplement did not include additional safety or effectiveness data.

Combi-Pen is approved for use in horses, dogs, and beef cattle and has been restricted to use by or on the order of a licensed veterinarian (i.e., prescription use). The product has been limited to prescription use since December 22, 1971, when the agency placed all injectable drugs containing benzathine penicillin for veterinary use on a prescription basis (36 FR 24214). The reasons for this action were that FDA had concluded that adequate directions for benzathine penicillin for lay use could not be written for companion animal or pet population diseases and that the directions requiring subcutaneous injection for use in beef cattle were not likely to be followed by the laity.

The agency has reconsidered its policy limiting the subcutaneous use of benzathine penicillin in beef cattle to prescription status. The Bureau of Veterinary Medicine has concluded that cattle producers are capable of following label directions for the subcutaneous use of this product. This conclusion is supported by experience with another new animal drug which is sold over-the-counter for use in cattle and which is specifically labeled for subcutaneous administration (see 21 CFR 522.1244). The Bureau of Veterinary Medicine is confident that adequate directions for the subcutaneous use of Combi-Pen in beef cattle can be written for the requested claims in this supplement. The supplement to NADA 65–277 is approved and § 540.255c (21 CFR 540.255c) is amended to reflect the approval. NADA 65–277 now provides for dual labeling and marketing of Combi-Pen. The product must be labeled for prescription use if marketed for use in horses, dogs, and beef cattle, but may be labeled for over-the-counter use if limited to use in beef cattle for the claims designated in this approval.

Because penicillin products including injectables are currently available over-the-counter, the agency has concluded that the approval of this supplement will not significantly increase human exposure to residues of the drug in edible tissue. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II approval which does not require a reevaluation of the human safety or animal safety and effectiveness data in the parent application.

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.

List of Subjects in 21 CFR Part 540

Animal drugs, Antibiotics, Penicillin.

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b(i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 540 is amended in § 540.255c by revising paragraph (c), to read as follows:

§ 540.255c Sterile benzathine penicillin G and procaine penicillin G suspension.

* * * * *

(c) *Conditions of marketing*—(1) *Specifications.* Meets the specifications in paragraph (a) of this section. Each milliliter contains 150,000 units of benzathine penicillin G and 150,000 units of procaine penicillin G in aqueous suspension.[1]

(2) *Sponsors.* (i) See Nos. 000008, 000015, 000029, 000856, and 010271 in § 510.600(c) of this chapter for the conditions of use in paragraph (c)(4)(i) of this section.

(ii) See No. 010271 in § 510.600(c) of this chapter for the conditions of use in paragraph (c)(4)(ii) of this section.

(3) *Related tolerances.* See § 556.510 of this chapter.

(4) *Conditions of use.* (i) It is used in horses, dogs, and beef cattle for the treatment of bacterial infections susceptible to penicillin G. The dosage given should be repeated in 48 hours. Restricted to use by or on the order of a licensed veterinarian.[1]

(*a*) Inject intramuscularly in horses at 2 milliliters per 150 pounds of body weight. Do not use in horses intended for food purposes.[1]

(*b*) Inject intramuscularly or subcutaneously in dogs at 1 milliliter per 10 to 25 pounds of body weight.[1]

(*c*) Inject beef cattle subcutaneously only at 2 milliliters per 150 pounds of body weight. Treatment should be limited to two doses. Not to be used in beef cattle within 30 days of slaughter.[1]

(ii) It is used in beef cattle for the treatment of bacterial pneumonia (*Streptococcus* spp., *Corynebacterium pyogenes, Staphylococcus aureus*); upper respiratory infections such as rhinitis or pharyngitis (*Corynebacterium pyogenes*); blackleg (*Clostridium chauvoei*); and for prophylaxis of bovine

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter.

shipping fever in 300 to 500 pound beef calves.[1]

(*a*) Inject subcutaneously 2 milliliters per 150 pounds of body weight. Repeat dosage in 48 hours. Limit treatment to two doses.[1]

(*b*) Not for use within 30 days of slaughter.[1]

Effective date: July 23, 1982.

(Sec. 512(i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b(i) and (n)))

Dated: July 16, 1982.

Richard A. Carnevale,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 82-19817 Filed 7-22-82; 8:45 am]

BILLING CODE 4160-01-M

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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 Dale Alley Co. providing for safe and effective use of an 8-gram-per-pound tylosin premix for making complete swine, beef cattle, and chicken feeds.

EFFECTIVE DATE: July 23, 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: Dale Alley Co., P.O. Box 444, 222 Sylvanie St., St. Joseph, MO 64502, is the sponsor of supplemental NADA 96–512 submitted on its behalf by Elanco Products Co. This supplemental NADA provides for use of premixes containing 8 grams of tylosin (as tylosin phosphate) per pound for making complete feeds for swine, beef cattle, and chickens. The swine feed is used for increased rate of weight gain and improved feed efficiency, for prevention, treatment and control of swine dysentery, for maintaining weight gains and feed efficiency in the presence of atrophic rhinitis; a beef cattle feed for reduction of incidence of certain liver abscesses; a chicken feed for increased rate of weight gain and improved feed efficiency; a layer feed for improved feed efficiency; and a broiler and replacement chicken feed for control of chronic respiratory disease.

Approval of this NADA relies upon safety and effectiveness data contained in Elanco's approved NADA 12–491. Elanco has authorized use of the data in NADA 12–491 to support approval of this application. 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 96–512.

The supplement is approved and the regulations are amended accordingly. This approval is in addition to the firm's existing approval for use of 4-gram-per-pound tylosin premixes for making swine feeds and 10-gram-per-pound tylosin premixes for making swine, beef cattle, and chicken 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.

List of Subjects in 21 CFR Part 558

Animal drugs; Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

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) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(50) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(50) To 018083: 4 grams per pound; paragraph (f)(1)(vi)(*a*) of this section, 8 and 10 grams per pound, paragraph (f)(1)(i) through (vi) of this section.

* * * * *

Effective date: July 23, 1982.

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

Dated: July 16, 1982.

Richard A. Carnevale,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 82-19818 Filed 7-22-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 81

[Docket No. R–82–987]

Federal National Mortgage Association (FNMA)—Maximum Debt-to-Capital Ratio

AGENCY: Department of Housing and Urban Development, Office of the Secretary.

ACTION: Final rule.

SUMMARY: This rule will permit the Secretary to change FNMA's maximum debt-to-capital ratio from time to time by means of a notice published in the **Federal Register.** Each request by FNMA for such a change must be supported by justification satisfactory to the Secretary. This rule will permit the Secretary to respond to FNMA requests for change in a manner more directly focused on FNMA's foreseeable immediate requirements than would be practicable if rulemaking procedures were followed in each instance.

EFFECTIVE DATE: September 10, 1982.

FOR FURTHER INFORMATION CONTACT: Eleanor Roberts Lewis, Assistant General Counsel for Finance, Office of General Counsel, Department of Housing and Urban Development, Room 9238, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6270. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 304(b) of the FNMA Charter Act, 12 U.S.C. 1719, provides that FNMA:

is authorized to issue * * * and have outstanding at any one time obligations having such rate or rates of interest as may be determined by [FNMA] * * *; but the aggregate amount of obligations of [FNMA]

under this subsection outstanding at any one time shall not exceed fifteen times the sum of its capital, capital surplus, general surplus, reserves, and undistributed earnings unless a greater ratio shall be fixed at any time or from time to time by the Secretary of Housing and Urban Development.

Section 304(e) of the Charter Act provides that, for the purpose of the above limitation, the amount of FNMA's outstanding subordinated obligations are deemed to be capital.

HUD's current regulations implementing the Secretary's authority over the conduct of FNMA's secondary market operations fix FNMA's maximum debt-to-capital ratio at 25-to-1. (24 CFR 81.15(a)). An amendment to the regulation merely revising the ratio but retaining the remaining text of the regulation would require a separate rulemaking proceeding upon any subsequent request by FNMA for an increase in the maximum ratio.

The Secretary's authority to fix FNMA's maximum debt-to-capital ratio pursuant to section 304(b) of the Charter Act is independent of the Secretary's general authority under section 309(h) of the Charter Act to issue such rules and regulations as shall be necessary and proper to insure that the purposes of the Charter Act are accomplished. The Secretary does not believe that the interests of FNMA or the public or the purposes of the Charter Act require resort to rulemaking procedures under the Administrative Procedure Act whenever a request for an increase in FNMA's maximum debt-to-capital ratio is submitted. The Secretary is aware, however, that knowledge of the maximum debt-to-capital ratio by which FNMA at any time is bound may be material to investors.

On May 17, 1982, the Department published a proposed rule (47 FR 21093) which would amend the current regulation in order to permit the Secretary to change FNMA's maximum debt-to-capital ratio from time to time upon request by FNMA, supported by justification satisfactory to the Secretary. The proposed revision would require that, upon the fixing of any change in the ratio by the Secretary, notice thereof will be published in the **Federal Register**. The published preamble indicated that the proposed revision was intended to permit the Secretary to address FNMA requests for increases in the maximum ratio in a manner more directly focused upon FNMA's foreseeable immediate requirements than would be permitted because of the time necessarily consumed in rulemaking proceedings.

During the 30-day public comment period following publication of the proposed rule, no comments were received. Accordingly, the Department is adopting its final rule in the same form as it was proposed, subject only to minor technical corrections.

The Department has determined that this final rule does not constitute a "major rule" as defined in Executive Order 12291. Analysis of the final rule indicates that it will not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant impact on a substantial number of small entities. This rule affects only one entity, FNMA, which is not a small entity.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on August 17, 1981 (46 FR 41708) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 81

Accounting, Federal National Mortgage Association, Mortgages, Reporting and recordkeeping requirements, Securities.

PART 81—REGULATIONS IMPLEMENTING THE AUTHORITY OF THE SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OVER THE CONDUCT OF THE SECONDARY MARKET OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA)

Accordingly, 24 CFR 81.15 is revised to read as follows:

§ 81.15 Debt-to-capital ratio.

(a) Under section 304(b) of the Charter Act, FNMA's debt-to-capital ratio may not exceed 15 to 1, unless a greater maximum ratio is fixed by the Secretary. Upon request submitted in writing by FNMA including justification satisfactory to the Secretary and supporting financial data, the Secretary from time to time may fix such greater maximum ratio as the Secretary, in his discretion, shall determine, which shall remain in effect as FNMA's maximum debt-to-capital ratio until otherwise specified by the Secretary. Upon fixing or changing a maximum ratio pursuant hereto, the Secretary shall cause notice of such action to be published in the **Federal Register.**

(b) Except as provided in paragraph (d) of this section, FNMA shall not issue any debt instrument if such issuance would cause its debt-to-capital ratio to exceed the maximum ratio established by section 304(b) of the Charter Act or such other maximum ratio as has been fixed by the Secretary as provided in paragraph (a) of this section.

(c) The Secretary may decrease the maximum debt-to-capital ratio fixed pursuant to paragraph (a) of this section (but not below a ratio of 15 to 1), if the Secretary determines that such action: (1) Will not adversely affect the fiscal integrity of or limit the availability of credit to the corporation, and (2) will not impair FNMA's ability to discharge its obligations to the holders of FNMA's debt instruments and holders of subordinated debentures issued under section 304(e) of the Charter Act. The Secretary shall provide FNMA 60 workdays' written notice of the effective date of any decrease in its maximum debt-to-capital ratio.

(d) In the event at any time of a reduction in the sum of the corporation's capital, capital surplus, general surplus, reserves, and undistributed earnings, the maximum debt-to-capital ratio is automatically increased to such ratio as may be necessary to include all obligations issued pursuant to section 304(b) of the Charter Act and outstanding at such time. In the event at any time of a maturity or other event requiring the payment or redemption of any of the obligations issued under section 304(e) of the Charter Act, the maximum debt-to-capital ratio is automatically increased to such ratio as may be necessary to permit the issuance of obligations under section 304(b) of the Charter Act in an amount sufficient to provide the proceeds required to pay the principal of and interest on the obligations outstanding under such

section 304(e) and so required to be paid or redeemed at such time.

(Secs. 304(b) and 309(h), FNMA Charter Act (12 U.S.C. 1719, 1723a))

Dated: July 19, 1982.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 82-19903 Filed 7-22-82; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 215, 221, and 236

[Docket No. 82-989]

Prohibited Lease Terms

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner.

ACTION: Interim rule.

SUMMARY: This rule defines certain lease provisions which are prohibited from use in certain HUD subsidized multifamily housing programs. It implements a provision of Section 202(b)(3) of the Housing and Community Development Amendments of 1978 which requires the Secretary to assure that leases approved by the Secretary do not contain unreasonable terms and conditions.

DATES:

Effective date: September 10, 1982.

Comment due date: September 7, 1982.

ADDRESS: Interested persons may participate in this rulemaking by submitting written data, views, or arguments before the comment due date to the Rules Docket Clerk, Office of General Counsel, Room 10274, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Each comment should include the commentor's name and address and should refer to the docket number indicated in the heading above. A copy of each comment will be available for public examination at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 426-8730. This is not a toll free number.

SUPPLEMENTARY INFORMATION: Section 202(b) of the Housing and Community Development Amendments of 1978 provides, among other things, that "the Secretary shall assure that * * * leases approved by the Secretary * * * do not contain unreasonable terms and conditions" (12 U.S.C. 715-1b(b)(3)). Section 202 is applicable to multifamily housing projects assisted under section 236 or the proviso of section 221(d)(5) (i.e., section 221(d)(3) BMIR of the National Housing Act), or under section 101 of the Housing and Urban Development Act of 1965 (rent supplement). Section 202 further instructed the Secretary to "promulgate regulations to carry out the provisions of this section" not later than 90 days after the statute's effective date. The Department heretofore has not promulgated regulations specifically prohibiting unreasonable lease provisions, on the basis of its interpretation that the statute required promulgation of regulations only if, and to the extent that, the Secretary concluded that regulations were necessary to carry out the statute's mandate.

Department regulations have prohibited the use of certain defined lease provisions in particular HUD programs for some time. These existing regulations appear at 24 CFR 866.6 (public housing); Part 882, appendix II (Section 8 Existing Housing); § 883.707(b)(2) (Section 8—State Housing Agencies); § 884.215(c) (Section 8—Rural Renting Housing Projects); § 886.122(c) (Section 8—Additional Assistance for Projects with HUD-Insured and HUD-Held Mortgages); § 886.322(d) (Section 8—Disposition of HUD-Owned Projects). All of these provisions are substantially identical, listing eight prohibited types of lease provisions. Regulations applicable to other programs refer to prohibited provisions specified in the developer's packet (see 24 CFR §§ 880.602(b) (Section 8—New Construction), 881.606(b) (Section 8—Substantial Rehabilitation)).

Leases utilized by project owners under HUD's mortgage insurance programs generally are required to be in a form approved by the Commissioner, either by explicit regulation (see, e.g., 24 CFR 236.75) or by regulatory agreement. Prior to November 1981, HUD field instructions permitted the approval of lease forms which contained provisions of the type prohibited by the other specific program regulations cited above. On November 4, 1981, HUD issued Handbook 4350.3, Occupancy Requirements of Subsidized Multifamily Housing Programs. The Handbook contains a model lease agreement and, consistent with the existing regulations, requires that variations from the model form be approved in writing by HUD. The Handbook also sets out the eight lease provisions prohibited by the other program regulations cited above, and provides that leases containing any of such provisions will not be approved.

Also, on November 4, 1981, the United States District Court, Western District of Pennsylvania, in a class action brought on behalf of tenants of section 236 and section 221(d)(3) BMIR projects in Allegheny County, Pennsylvania, entered an order directing the Secretary to promulgate interim or final regulations "which assure that unreasonable provisions are no longer contained in leases in use in section 236 and section 221(d)(3) Below Market Interest Rate projects. Such unreasonable provisions shall include but are not limited to" the eight lease provisions cited in other program regulations and in the Handbook. *Love v. HUD,* Civ. No. 80-1041B (W. D. Pa.).

The Department has noticed an appeal from the District Court's order, principally because the order mandated the inclusion of specific provisions in regulations to be issued by the Secretary. However, the Department agrees that the statutory directives should be implemented by a regulation specifically enumerating lease provisions determined to be unreasonable, with an opportunity for public comment on the content of the regulation.

Accordingly, the Department is amending the section 236; rent supplement; section 236, Rental Assistance Payments (RAP); and section 221(d)(3) BMIR regulations to incorporate a specific listing of lease terms which the Department considers unreasonable and which therefore are prohibited. Because the regulation incorporates a listing of prohibited lease provisions which has existed for some time in other regulations, and in view of the delay in responding adequately to the statutory directive, the Secretary has concluded that prior public comment is unnecessary and that good cause exists for permitting the regulation to be published as an interim rule which will become effective before consideration of public comments. At the same time, however, the Department is soliciting public comments which will be considered before issuance of a final rule.

In this connection, comment is invited specifically on the following questions. As noted above, each of the mortgage insurance program regulations to which the enumeration of prohibited lease provisions is being added requires that all leases utilized by owners be in a

form approved by the Commissioner. The Department invites comment as to whether this requirement should be retained, or whether, instead, the Department should follow its present pattern in other subsidized programs of requiring certain provisions reflecting program requirements (e.g., rent terms and adjustments, good cause for eviction) and prohibiting certain provisions considered unreasonable, while leaving the remainder of the lease form to be developed by the owner in accordance with local law and custom.

The Department also notes the following with respect to the coverage of the interim rule. Section 202 of the Housing and Community Development Amendments of 1978 defines its coverage in terms of projects "eligible for assistance as described in" section 201 of the same statute, which authorizes flexible subsidy operating assistance. Projects not insured under the National Housing Act but financed by a State agency under section 236(b) of the National Housing Act are eligible for flexible subsidy assistance and therefore, as a consequence of the cross-reference in section 202, are also within the coverage of the latter statute. (As adopted by the Senate, section 202 applied specifically only to insured or HUD-acquired projects. The conformance of coverage definitions to that of the flexible subsidy provisions occurred in Conference. While the legislative history contains no indication that extension of the coverage of section 202 to State-assisted uninsured projects was specifically intended, the result is clear.)

The provisions of 24 CFR Part 215 (rent supplement) and Part 236, Subpart D (Rental Assistance Payments) being amended in this proceeding already are applicable to State-assisted uninsured projects. However, uninsured State-assisted projects receiving section 236 interest subsidy without rental assistance payments or rent supplement are not covered by Part 236, Subpart A. Moreover, the Department also has proposed legislation which would remove uninsured State-assisted projects from eligibility for flexible subsidy under section 201. If adopted, such legislation would have the result of removing such projects from the coverage of section 202.

For the foregoing reasons, the Department has elected not to extend the coverage of the interim rules issued herein to State-assisted uninsured projects not receiving either rental assistance payments or rent supplement. If the Department's current legislative proposal is not adopted, however, the Department will reconsider the question of extension of these regulations to such projects. The Department invites specific comment on this point.

The rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse impact on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address listed above.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on August 17, 1981 (46 FR 41708) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The mortgage insurance programs affected by this rule are listed in the catalog of Federal Domestic Assistance under the following numbers: 14.103, 14.137 and 14.149.

Pursuant to the provisions of 5 U.S.C. 605(b) of the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

List of Subjects

24 CFR Part 215

Grant programs: Housing and community development, Rent subsidies.

24 CFR Part 221

Condominiums, Low and moderate income housing, Mortage insurance, Displaced families, Single family housing, Projects, Cooperatives.

24 CFR Part 236

Low and moderate income housing, Mortgage insurance, Rent subsidies, Taxes, Utilities, Projects.

Accordingly, 24 CFR Chapter II is amended as follows:

PART 215—RENT SUPPLEMENT PAYMENTS

1. Section 215.70 is amended by adding a new paragraph (c) thereof, as follows:

§ 215.70 Form of lease.

* * * * *

(c) *Prohibited lease provisions.* Lease clauses of the nature described below shall not be included in new leases and shall be deleted from existing leases either by amendment thereof or execution of a new lease:

(1) *Confession of judgment.* Prior consent by the tenant to any lawsuit the landlord may bring against him in connection with the lease and to a judgment in favor of the landlord.

(2) *Distraint for rent or other charges.* Agreement by the tenant that landlord is authorized to take property of the tenant and hold it as a pledge until the tenant performs the obligation which the landlord has determined the tenant has failed to perform.

(3) *Exculpatory clauses.* Agreement by the tenant not to hold the landlord or landlord's agent liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representatives or agents.

(4) *Waiver of legal notice by tenant prior to actions for eviction or money judgments.* Agreements by the tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed, thus preventing the tenant from defending against the lawsuit.

(5) *Waiver of legal proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred without notice of the rights and liabilities of the parties.

(6) *Waiver of jury trial.* Authorization of the landlord's lawyer to appear in court for the tenant and waive the right to a trial by jury.

(7) *Waiver of right to appeal judicial error in legal proceeding.* Authorization to the landlord's lawyer to waive the right to appeal for judicial error in any suit or to waive the right to file a suit in equity to prevent the execution of a judgment.

(8) *Tenant chargeable with cost of legal actions regardless of outcome.* Provision that the tenant agrees to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though

the court determines that the tenant prevails in the action. Prohibition of this type of provision does not mean that the tenant as a party to the lawsuit may not be obligated to pay attorney's fees for other costs if he loses the suit.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

2. Part 221 is amended by adding a new § 221.536a as follows:

§ 221.536a Leases and occupancy agreements.

(a) *Form of lease and occupancy agreement.* The owner shall provide and the tenant shall be required to execute a lease in a form approved by the Commissioner. A cooperative member shall be required to execute an occupancy agreement in a form approved by the Commissioner, regardless of the rent he is paying.

(b) *Prohibited lease provisions.* Lease clauses of the nature described below shall not be included in new leases in projects which receive the benefit of subsidy in the form of below-market interest rates pursuant to sections 221(d)(3) and (5) of the Act and shall be deleted from existing leases entirely by amendment thereof or execution of a new lease:

(1) *Confession of judgment.* Prior consent by the tenant to any lawsuit the landlord may bring against him in connection with the lease and to a judgment in favor of the landlord.

(2) *Distraint for rent or other charges.* Agreement by the tenant that landlord is authorized to take property of the tenant and hold it as a pledge until the tenant performs the obligation which the landlord has determined the tenant has failed to perform.

(3) *Exculpatory clauses.* Agreement by the tenant to hold the landlord or landlord's agent liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representatives or agents.

(4) *Waiver of legal notice by tenant prior to actions for eviction or money judgments.* Agreements by the tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed, thus preventing the tenant from defending against the lawsuit.

(5) *Waiver of legal proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(6) *Waiver of jury trial.* Authorization of the landlord's lawyer to appear in court for the tenant and waive the right to a trial by jury.

(7) *Waiver of right to appeal judicial error in legal proceeding.* Authorization to the landlord's lawyer to waive the right to appeal for judicial error in any suit or to waive the right to file a suit in equity to prevent the execution of a judgment.

(8) *Tenant chargeable with cost of legal actions regardless of outcome.* Provision that the tenant agrees to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court determines that the tenant prevails in the action. Prohibition of this type of provision does not mean that the tenant as a party to the lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

3. Section 236.75 is revised to read as follows:

§ 236.75 Form of lease and occupancy agreement.

(a) A tenant who is to pay less than the fair market rental shall be required to execute a lease in a form approved by the Commissioner. A cooperative member shall be required to execute an occupancy agreement in a form approved by the Commissioner, regardless of the rent he is paying.

(b) Lease clauses of the nature described below shall not be included in new leases or occupancy agreements covered by paragraph (a) of this section and shall be deleted from existing leases and agreements either by amendment thereof or execution of a new lease or agreement.

(1) *Confession of judgment.* Prior consent to the tenant to any lawsuit the landlord may bring against him in connection with the lease and to a judgment in favor of the landlord.

(2) *Distraint for rent or other charges.* Agreement by the tenant that landlord is authorized to take property of the tenant and hold it as a pledge until the tenant performs the obligation which the landlord has determined the tenant has failed to perform.

(3) *Exculpatory clauses.* Agreement by the tenant not to hold the landlord or landlord's intentional or negligent on the part of the landlord or the landlord's authorized representatives or agents.

(4) *Waiver of legal notice by tenant prior to actions for eviction or money judgments.* Agreements by the tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed, thus preventing the tenant from defending against the lawsuit.

(5) *Waiver of legal proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(6) *Waiver of jury trial.* Authorization of the landlord's lawyer to appear in court for the tenant and waive the right to a trial by jury.

(7) *Waiver of right to appeal judicial error in legal proceeding.* Authorization to the landlord's lawyer to waive the right to appeal for judicial error in any suit or to waive the right to file a suit in equity to prevent the execution of a judgment.

(8) *Tenant chargeable with cost of legal actions regardless of outcome.* Provision that the tenant agrees to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court determines that the tenant prevails in the action. Prohibition of this type of provision does not mean that the tenant as a party to the lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.

Subpart D—Rental Assistance Payments

4. Section 236.750 is amended by adding a new paragraph (c) as follows:

§ 236.750 [Amended]

(c) *Prohibited lease provisions.* Lease clauses of the nature described below shall not be included by paragraphs (a) and (b) of this section and shall be deleted from existing leases and agreements either by amendment thereof or execution of a new lease or agreement.

(1) *Confession of judgment.* Prior consent by the tenant to any lawsuit the landlord may bring against him in connection with the lease and to a judgment in favor of the landlord.

(2) *Distraint for rent or other charges.* Agreement by the tenant that landlord is authorized to take property of the tenant and hold it as a pledge until the tenant performs the obligation which the landlord had determined the tenant has failed to perform.

(3) *Exculpatory clauses.* Agreement by the tenant not to hold the landlord or landlord's agent liable for any acts or omissions whether intentional or negligent on the part of the landlord or

the landlord's authorized representatives or agents.

(4) *Waiver of legal notice by tenant prior to actions for eviction or money judgments.* Agreements by the tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed, thus preventing the tenant from defending against the lawsuit.

(5) *Waiver of legal proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(6) *Waiver of jury trial.* Authorization of the landlord's lawyer to appear in court for the tenant and waive the right to a trial by jury.

(7) *Waiver of right to appeal judicial error in legal proceeding.* Authorization to the landlord's lawyer to waive the right to appeal for judicial error in any suit or to waive the right to file a suit in equity to prevent the execution of a judgment.

(8) *Tenant chargeable with cost of legal actions regardless of outcome.* Provision that the tenant agrees to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court determines that the tenant prevails in the action. Prohibition of this type of provision does not mean that the tenant as a party to the lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.

(Sec. 202(b)(3), Housing and Community Development Amendments of 1978 (12 U.S.C. 17152-1b(b)(3)); Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: June 19, 1982.

Philip Abrams,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. 82-19902 Filed 7-22-82; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2520

Summary Annual Report Furnished Participants and Beneficiaries of Employee Benefit Plans, Amendments and Corrections

AGENCY: Office of Pension and Welfare Benefits Programs, Labor.

ACTION: Adoption of Amendments.

SUMMARY: This document adopts amendments to the Department of Labor regulation governing the summary annual report (SAR) furnished participants and beneficiaries of certain employee benefit plans under the Employee Retirement Income Security Act of 1974 (ERISA). These amendments are necessary in order to accommodate the summary annual report requirements to the triennial filing system implemented beginning with the 1980 plan year for certain small employee benefit plans filing the annual report. The amendments require small plans filing Form 5500–R to distribute copies of that form with an accompanying explanatory notice to participants and beneficiaries or to notify participants and beneficiaries in writing that they are entitled to receive a copy of Form 5500–R. Such distribution or notification shall be made in lieu of distribution of the summary annual report. In the case of active participants, the obligation to furnish a notice of the availability of the 5500–R may be satisfied by a posting of the notice at worksite locations reasonably calculated to ensure disclosure of the information to plan participants, e.g., administration office, union office, employee bulletin boards, etc. The SAR requirements remain generally unchanged for plans filing Form 5500 and for small plans in those years for which a Form 5500–C or Form 5500–K is filed. The document also contains several minor corrections to the regulation and the attached appendix.

EFFECTIVE DATE: These amendments and corrections are effective July 21, 1982. Thus, all affected plans must satisfy SAR requirements due on or after that date in accordance with these amendments and corrections.

FOR FURTHER INFORMATION CONTACT: Joseph L. Roberts III, Office of Reporting and Plan Standards, Division of Reporting and Disclosure, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C. 20216, (202) 523–8684. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department of Labor (the Department) has determined to adopt final amendments to the regulations governing the summary annual report furnished participants and beneficiaries of employee benefit plans. These amendments are adopted under the authority contained in sections 104, 109, 110 and 505 of ERISA (Pub. L. 93–406, 88 Stat. 847, 851, 894 (29 U.S.C. 1024, 1029, 1030, 1135)).

A. Statutory Provision

Section 104(b)(3) of ERISA and regulations thereunder require the administrator of an employee benefit plan to furnish annually to each participant of such plan and to each beneficiary receiving benefits under an employee pension benefit plan a summary annual report (SAR) which summarizes the information included in the annual report and which conforms to the requirements of the regulation as to form, style and content.

B. Background

On January 6, 1981, the Department published in the **Federal Register** (46 FR 1304) a notice proposing an amendment to the SAR regulations which, upon adoption, would accommodate the SAR requirements to the triennial reporting system under which, beginning with the 1980 plan year, small plans are permitted to file Form 5500–C or 5500–K every third year, and Form 5500–R in the two intervening years.

The Department solicited comments on the proposed amendment to the regulation (29 CFR 2520.104b–10) and, based on the comments received, is adopting the amendment as modified and discussed below.

C. Discussion of Comments

In response to the January 6, 1981, notice of proposed rulemaking, the Department received nine comment letters. Comments received by the Department are available for inspection by the public in the Public Disclosure Room at the Department.

One commenter suggested that the notice which accompanies Form 5500–R might be less costly to prepare if it were less specifically tailored to individual plans. The commenter suggested that the notice might refer the reader to the accompanying Form 5500–R for specific plan related information, such as the name of the plan and the period covered by the registration statement. The Department has decided to adopt this suggestion, and, accordingly, the notice which is to accompany the 5500–R has been modified to reflect this change. The Department believes that the adoption of this change will reduce costs and simplify preparation of the notice, without impacting on the adequacy of the disclosure.

Another commenter suggested that the plan administrator have the option of deleting from the notice accompanying the 5500–R the paragraph which sets forth the right to request a copy of Schedules A and B, if plans filing those schedules routinely include them along with the 5500–R sent to the participant.

The commenter indicated that the same notice format could then be used both by plans which file Schedules A and B and by those which do not, and that the resulting standardization would produce a reduction in cost. The Department believes that plans already have this option, since the portion of the notice relating to the participant's right to request a copy of Schedules A and B is clearly inapplicable when this additional material has already been given, and may therefore be omitted.

Three commenters suggested that it would be administratively easier for the full SAR to be distributed to participants and beneficiaries for the year for which a plan files Form 5500–R, even though most of the information which would be contained in such an SAR is not to be found in the 5500–R. One of these commenters suggested that since plans must keep records of their contributions, distributions, gains, losses, and expenses each year regardless of their obligation to report such information on the annual report, it would be simpler for plans to have the option of distributing a full SAR containing this information each year. Another commenter argued that such an option would enable computerized service providers to avoid the additional programming costs attributable to producing another version of the SAR, which they viewed the proposal as requiring. The Department has decided not to accept the suggestion that plans should be allowed the option of distributing the full SAR in the 5500–R years. While the information contained in a full SAR may be useful to plan participants, the information set forth therein would not be information which, as required by section 104(b)(3) of ERISA, fairly summarizes a plan's latest annual report in the 5500–R years. It should be noted, however, that a plan would not be precluded from providing such financial information in conjunction with its furnishing of the Form 5500–R.

Four commenters opposed the distribution of the Form 5500–R, which would have been required under the proposal, on the grounds that little information on the 5500–R would be of interest to or understandable by participants and beneficiaries. Some of these commenters also believed that such distribution would cause confusion and misunderstanding and would constitute an unreasonable paperwork burden. For these reasons, three of these commenters suggested dropping the SAR requirement altogether for small plans in years when Form 5500–R is filed. Another commenter suggested that plans distribute only a notice informing participants of the existence of the 5500–R, of their rights to additional information, and of any event which might adversely affect them. As discussed below the Department has decided to adopt the suggestion to distribute a notice of availability.

D. Description of Amendments

The Department has determined that the present requirements for summary annual reports as applied to plans for plan years for which a Form 5500–R is filed would impose unnecessary costs and burdens on such plans while providing only minimal useful information to participants in the plans. Accordingly, the Department, pursuant to the authority contained in sections 104 and 110 of ERISA, is adopting amendments to 29 CFR 2520.104b–10 as described below.

The amendments relieve administrators of small plans from preparing an SAR in accordance with existing regulations for those plan years for which a 5500–R is filed, and require them to satisfy their SAR obligations for those years by one of the two following methods of compliance:

Under the first method of compliance, plans would be required to notify participants and beneficiaries in writing of their right, upon written request, to receive free of charge a copy of the Form 5500–R filed by the plan. In the case of most active participants, the regulations permit notification of the availability of the Form 5500–R to be accomplished by a posting of the notice at worksite locations reasonably calculated to insure disclosure of the information to participants (e.g., administration office, union office, and employee bulletin boards). In the case of inactive participants (i.e., retirees and participants who have separated from service with a vested pension benefit) or other participants who would not reasonably be expected to visit such worksite locations during the period when the notice is posted, the notice must be furnished each participant in accordance with regulation section 2520.104b–1. The Department has decided not to prescribe the format of the notice of availability of the Form 5500–R; however, this notice must be in writing and contain the information set forth in the regulation.

Under the second method of compliance, which is substantially the same as that provided in the proposal, plans would furnish participants and beneficiaries with a copy of the filed Form 5500–R as a substitute for furnishing the SAR.

The 5500–R furnished under either method of compliance set forth above would be accompanied by a notice, conforming to the format prescribed in the regulation, which explains that the 5500–R is being furnished in lieu of the SAR and that further disclosure is available on request.

E. Executive Order 12291 Statement

Pursuant to Executive Order 12291, the Department has determined that these amendments do not constitute a "major rule", as that term is used in the Order because it does not appear that they will result in: An annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

These amendments will have the effect of reducing expenses by not requiring the present SAR format for years for which plans file Form 5500–R. The amendments will not, however, have the effect of reducing the availability of plan information to participants and beneficiaries nor will they have an adverse impact on small employee benefit plans under the Act.

For these reasons, the Department has determined that the amendments do not constitute a major rule within the meaning of section 1(b) of Executive Order 12291, and that, therefore, no regulatory impact analysis is required.

F. Regulatory Flexibility Act Statement

Section 603(a) of Pub. L. 96–354 (the Regulatory Flexibility Act of 1980) requires Federal agencies to prepare and make public a regulatory flexibility analysis when final regulations are promulgated which would have a significant economic impact on a substantial number of small businesses or small entities. Since, in general, most small employee plans would be those maintained by small businesses, for the purposes of these amendments a small entity is defined to be an employee benefit plan having fewer than 100 participants. Pursuant to section 604(b) of the Regulatory Flexibility Act, an analysis of these amendments has been prepared and is available on request at the Public Disclosure Room, Pension and Welfare Benefit Programs, Frances Perkins Department of Labor Building, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

G. Paperwork Reduction Act Statement

No new reporting or recordkeeping burdens will be established by these amendments since they merely simplify disclosure requirements that are already in place. We estimate that the amendments will permit small plans to save over 200,000 burden hours annually by posting of the notice of availability of the 5500–R instead of preparing and distributing the full SAR format.

H. Statutory Authority ad Effective Date

This regulation is amended under the authority in sections 104, 109, 110 and 505 of ERISA (Pub. L. 93–406, 88 Stat. 847, 851, 894 (29 U.S.C. 1024, 1029, 1030, 1135)). These amendments are being made effective upon publication in the Federal Register. The reason for making these amendments effective immediately is that, as a general matter, plans must furnish the SAR within nine months of the close of the plan year. The triennial reporting system became effective for plan years beginning in 1980. Consequently, these amendments must be made effective as soon as possible so that plans will not have to comply with SAR requirements which are incompatible with their reporting requirements.

Information collection requirements contained in these amendments have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control number 1210–0040.

I. List of Subjects in 29 CFR Part 2520

Accountants, Actuaries, Disclosure requirements, Employee benefit plans, Employee Retirement Income Security Act, Health insurance, Life insurance, Pensions, Pension and Welfare Benefit Programs Office, Reporting requirements.

J. Amendments to the Regulation

PART 2520—RULES AND REGULATIONS FOR REPORTING

For the reasons set out in the preamble, Part 2520 of Chapter XXV of Title 29 of the Code of Federal Regulations is hereby amended as follows:

Paragraph (a) of § 2520.104b–10 is revised, the introductory text of paragraph (b) is revised and that paragraph is redesignated paragraph (c), paragraphs (d)(1) and (2) are revised and redesignated paragraphs (e)(1) and (2), paragraph (e) is revised and redesignated paragraph (f), paragraph (f) is revised and redesignated paragraph (g) and the Appendix is revised; paragraphs (c)(3) and (4) are amended and redesignated (d)(3) and (4); and paragraph (b) is added.

§ 2520.104b–10 Summary Annual Report.

(a) *Obligation to furnish.* Except as otherwise provided in paragraphs (b) and (g) of this section, the administrator of any employee benefit plan shall furnish annually to each participant of such plan and to each beneficiary receiving benefits under such plan (other than beneficiaries under a welfare plan) a summary annual report conforming to the requirements of this section. Such furnishing of the summary annual report shall take place in accordance with the requirements of § 2520.104b–1 of this part.

(b) *Plans filing Form 5500–R.* In the case of an employee benefit plan subject to § 2520.104–41 (concerning simplified annual reporting for plans with fewer than 100 participants), the administrator, in lieu of furnishing a summary annual report for the year in which a Form 5500–R is filed, shall, in accordance with § 2520.104b–1, furnish each participant of such plan and each beneficiary receiving benefits under such plan (other than beneficiaries under a welfare plan) either—

(1) A copy of the Form 5500–R filed on behalf of the plan, and the notice described in paragraph (b)(3); or

(2)(i) A written notice stating that in lieu of a summary annual report a copy of the Form 5500–R filed on behalf of the plan will be furnished free of charge upon receipt of a written request. The notice shall contain the name and address of the plan administrator to whom such requests may be directed. The administrator, upon receipt of such a written request from a participant or beneficiary, shall furnish, free of charge and in accordance with § 2520.104b–1, a copy of the Form 5500–R filed on behalf of the plan and the notice described in paragraph (b)(3). Such furnishing shall take place within thirty days following receipt of a request.

(ii) The administrator of an employee benefit plan will be deemed to have furnished, in accordance with § 2520.104b–1, the written notice described in paragraph (b)(2)(i) of this section to participants, if the administrator posts the notice for a minimum of thirty days at worksite locations, and in a manner reasonably calculated to ensure disclosure to plan participants. Participants who have retired or separated from service with vested benefits under a pension plan, beneficiaries receiving benefits under a pension plan, and other participants who could not reasonably be expected to visit such worksite locations during the period when the notice is posted must be furnished the notice pursuant to paragraph (b)(2)(i) of this section.

(iii) Nothing in paragraph (b)(2)(ii) of this section shall preclude an administrator from posting a copy of the Form 5500–R filed on behalf of the plan with the required notice; however, such a posting shall not relieve an administrator from the requirement to furnish a copy of the Form free of charge upon receipt of a written request from any participant or beneficiary.

(3) Any Form 5500–R furnished in accordance with paragraphs (b)(1) or (b)(2)(i), of this section, shall include the following notice:

Disclosure of Plan Information Under ERISA

Attached is a copy of the most recent Registration Statement (Form 5500–R) for the employee benefit plan of which you are a participant or beneficiary (see item 4(a) on Form 5500–R). The Registration Statement contains information about the plan and has been filed with the Internal Revenue Service under the Employee Retirement Income Security Act of 1974 (ERISA).

This copy of Form 5500–R is being furnished to you in compliance with Department of Labor regulations which require it to be furnished to you free of charge either automatically or upon written request in lieu of the summary annual report for plan years for which Form 5500–R has been filed.

You also have the right to receive from the plan administrator (see item 1(a) or 2(a) on Form 5500–R), on request, a copy of Schedule A (Insurance Information) and Schedule B (Actuarial Information), which were filed with the attached Form 5500–R. The charge to cover copying costs will be ($——) for this/these Schedule(s), or ($——) per page for any part thereof.

You also have the legally protected right to examine these documents at the main office of the plan (address, if different from Form 5500–R, item 1(a) or 2(a)), (at any other location where these documents are available for examination), and at the U.S. Department of Labor in Washington, D.C., or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to: Public Disclosure Room, N–4677, Pension and Welfare Benefit Programs, Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

Note.—Inapplicable portions of this notice may be omitted.

(c) *When to furnish.* Except as otherwise provided in this paragraph (c) of this section, the summary annual report required by subparagraph (a) of this section, and Form 5500–R or the notice of its availability on request required under paragraph (b) of this section, shall be furnished in accordance with the respective requirements of

those subparagraphs within nine months after the close of the plan year.

* * * * *

(d) Contents, Style and Format

* * * * *

(3) *Form for Summary Annual Report Relating to Pension Plans.*

* * * * *

Your Rights to Additional Information

* * * * *

3. Fiduciary information, including transactions between the plan and parties-in-interest (that is, persons who have certain relationships with the plan);

* * * * *

(4) *Form for Summary Annual Report Relating to Welfare Plans.*

* * * * *

Insurance Information

* * * * *

The total premiums paid for the plan year ending (date) were ($——).

* * * * *

Your Rights to Additional Information

* * * * *

3. Fiduciary information, including transactions between the plan and parties-in-interest (that is, persons who have certain relationships with the plan);

* * * * *

(e) *Foreign languages.* In the case of either—

(1) A plan which covers fewer than 100 participants at the beginning of a plan year in which 25 percent or more of all plan participants are literate only in the same non-English language; or

(2) A plan which covers 100 or more participants in which 500 or more participants or 10 percent or more of all plan participants, whichever is less, are literate only in the same non-English language—

The plan administrator for such plan shall provide these participants with an English-language summary annual report which prominently displays a notice, in the non-English language common to these participants, offering them assistance. The assistance provided need not involve written materials, but shall be given in the non-English language common to these participants. The notice offering assistance shall clearly set forth any procedures participants must follow to obtain such assistance. Plans furnishing an explanatory notice accompanying Form 5500–R pursuant to subparagraph (b)(1) of this section or the notice of the availability of the Form 5500–R pursuant to subparagraph (b)(2) of this section shall also provide a notice in such non-English language offering such assistance.

(f) *Furnishing of additional documents to participants and beneficiaries.* A plan administrator shall promptly comply with any request by a participant or beneficiary for additional documents made in accordance with the procedures or rights described in paragraphs (b)(3) and (d) of this section.

* * * * *

(g) *Exemptions.*

* * * * *

(3) An apprenticeship or other training plan which meets the requirements of 29 CFR § 2520.104–22;

* * * * *

Signed at Washington, D.C., this 15th day of July 1982.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[A cross-reference to the annual report]

A. PENSION PLANS

SAR item	Form 5500 line items	Form 5500–C line items	Form 5500–K line items
1. Funding arrangement	11	11	11.
2. Total Plan Expenses	14(l)	16(k)	13(d).
3. Administrative Expenses	14(j) column b	16(i)	15(c)(i).
4. Benefits paid	14(h)	16(g)	13(e).
5. Other expenses	14(i) plus 14(k)	16(h) plus 16(j)	N/A.
6. Total participants	7(f)	7(a)(ii)	7(b)(ii).
7. Value of Plan assets (net):			
a. End of plan year	13(m) column b	15(l) column b	13(g).
b. Beginning of plan year	13(m) column a	15(l) column a	13(a).
8. Change in net assets	14(o)	16(n)	13(g) minus 13(a).
9. Total income:	14(g)	16(f)	13(b) plus 13(c).
a. Employer contributions	14(a)(i)	16(a)(i)	13(b).
b. Employee contributions	14(a)(ii)	16(a)(ii)	13(b).
c. Change in sales of assets	14(e)(ii) column b	16(d) column b	N/A.
d. Earnings from investments	14(d)(iv) column b	16(c) column b	N/A.
10. Total insurance premiums	14(h)(ii) or Sched. A, Part II, item 5(b).	16(g)(ii) or Sched. A, Pt. II, 5(b).	Sched. A, Pt. II, item 5(b)
11. Fund deficiency:			
a. Defined benefit plans	Sched. B, item 8(d)	Sched. B, 8(d)	Sched. B, 8(d).
b. Defined contribution plans	21(b)(iii)	14(b)(iii)	19(b)(iii).

B. WELFARE PLANS

SAR item	Form 5500 line items	Form 5500–C line items
1. Name of insurance carrier	Sched. A, Pt. I, 2(a)	Sched. A, Pt. I, 2(a).
2. Total insurance premiums	Sched. A, Pt. III, Total of 8(c).	Sched. A, Pt. III, Total of 8(c).
3. Experienced-rated premiums	Sched. A, Pt. III, 9(a)(iv)	Sched. A, Pt. III, 9(a)(iv).
4. Experienced-rated claims	Sched. A, Pt. III, 9(b)(iv)	Sched. A, Pt. III, 9(b)(iv).
5. Value of plan assets (net):		
a. End of plan year	13(m), column b	15(1), column b.
b. Beginning of plan year	13(m), column a	15(1), column a.
6. Change in net assets	14(o)	16(n).
7. Total income:	14(g)	16(f).
a. Employer contributions	14(a)(i)	16(a)(i)
b. Employee contributions	14(a)(ii)	16(a)(ii).
c. Change in sales of assets	14(e) column b	16(d) column b.
d. Earnings from investments	14(d) column b	16(c) column b.
8. Total plan expenses	14(l)	16(k).
9. Administrative expenses	14(j) column b	16(i).
10. Benefits paid	14(h)	16(g), column b.
11. Other expenses	14(i) plus 14(k)	16(h), plus 16(j).

[FR Doc. 82–19636 Filed 7–20–82; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

[SPA 28]

Approval of Program Amendments From the State of Missouri Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: The State of Missouri has proposed to alter its permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) by amending certain of its regulations. 30 CFR Part 925 is hereby amended to reflect approval of these amendments to the Missouri permanent regulatory program.

EFFECTIVE DATE: July 23, 1982.

ADDRESSES: Copies of the Missouri program, the amendments being approved today, and the administrative record for this rulemaking are available for public inspection and copying during

regular business hours at: Missouri Land Reclamation Commission, 1026–D N.E. Drive, Jefferson City, Missouri 65101, Telephone: (314) 751–3241; Kansas City Field Office, Office of Surface Mining Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374–5527; Administrative Record, Office of Surface Mining, Room 5315, 1100 L Street, N.W., Washington, D.C., Telephone: (202) 343–7896.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Director, Kansas City Field Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374–5527.

SUPPLEMENTARY INFORMATION:

Background on the Amendments

The Secretary of the Interior has approved Missouri's permanent State regulatory program to control surface coal mining and reclamation operations. See 45 FR 77017, November 21, 1980.

The Secretary determined that the Missouri program met all criteria for approval pursuant to section 503 of SMCRA and 30 CFR Part 732 except for 23 minor deficiencies.

To correct these deficiencies, Missouri submitted regulatory amendments dated December 3, 1980 and March 12, 1981. The Secretary found that the amendments submitted by Missouri corrected these deficiencies with one exception. See 47 FR 20116, May 11, 1982. At the same time that Missouri submitted amendments to correct the deficiencies, the State also submitted other regulatory amendments. Notice of receipt and a request for public comment on these additional program amendments were announced in the Federal Register on June 1, 1982 (47 FR 23767). The public comment period ended July 1, 1982. A public hearing scheduled for June 21, 1982, was not held because no one expressed a desire to present testimony. A notice announcing cancellation of the hearing was published on June 17, 1982 (47 FR 26164).

Director's Findings

Pursuant to 30 CFR 732.17(h)(9) and 732.15, the Director finds that the program amendments are in accordance with the provisions of SMCRA and no less effective than the provisions of 30 CFR Chapter VII.

Disposition of Comments

No public comments were received on the proposed program amendments.

Director's Decision

The amendments submitted to OSM by Missouri dated December 3, 1980, and March 12, 1981, are hereby approved. The approval of these program amendments is effective July 23, 1982.

Other Determinations

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 6, and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State regulatory programs, actions, or amendments. Therefore, this action is exempt from the requirement to prepare a Regulatory Impact Analysis and regulatory review by OMB.

I have determined, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), that this action is not a major Federal action and therefore no environmental impact statement need be prepared.

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

List of Subjects in 30 CFR Part 925

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

For the reasons stated in the preamble above, 30 CFR Part 925 is amended as set forth herein.

Dated: July 16, 1982.

William B. Schmidt,

Acting Director, Office of Surface Mining.

PART 925—MISSOURI

Part 925 is amended by adding a new § 925.15 as set forth below.

§ 925.15 Approval of regulatory program amendments.

The Missouri permanent program amendments of December 3, 1980 and March 12, 1981, are approved effective July 23, 1982.

[FR Doc. 82–19974 Filed 7–22–82; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD–FRL 1982–8(b)]

Standards of Performance for New Stationary Sources; Priority List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Studies of the asphalt processing and asphalt roofing industry have revealed that asphalt is processed at petroleum refineries and asphalt processing plants as well as at asphalt roofing plants. These locations were not specifically included in the asphalt roofing source category on the priority list for regulation of new sources under Section 111 of the Clean Air Act, promulgated on August 21, 1979. Therefore, on November 18, 1980 (45 FR 76427), the Administrator proposed to amend the priority list to include specifically asphalt processing locations in the source category previously listed as asphalt roofing plants. The proposed amendment to the priority list was based on the Administrator's judgment that asphalt blowing stills and storage tanks at asphalt processing facilities and petroleum refineries contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. No comments were received on the proposed Amendment to the priority list. Therefore, the priority list is being amended by this action.

EFFECTIVE DATE: July 23, 1982.

ADDRESSES:

Background Information Document

Background information on the emissions from the asphalt processing and asphalt roofing manufacturing industry may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone number (919) 541–2777. Please refer to "Asphalt Roofing Manufacturing Industry, Background Information for Proposed Standards," EPA–450/3–80–021a.

Docket. Docket Number OAQPS A–79–39, containing information used by EPA in development of the standards of performance for the asphalt processing and asphalt roofing manufacturing industry, is available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at EPA's Central Docket Section (A–130), West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Susan R. Wyatt, Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–5578.

SUPPLEMENTARY INFORMATION:

Amendment to Priority List

The Clean Air Act of 1970 established a program under Section 111 to develop standards of performance for new stationary sources which the Administrator determines may contribute significantly to air pollution

which may reasonably be anticipated to endanger public health or welfare. Section 111 of the Clean Air Act Amendments of 1977 requires that the Administrator publish, and from time to time revise, a list of categories of major stationary sources for which standards of performance for new sources are to be promulgated.

The priority list, which identifies major source categories in order of priority for development of regulations, was proposed on August 31, 1978, and promulgated on August 21, 1979 (40 CFR 60.16, 44 FR 49222). Of the 59 source categories on the list, asphalt roofing plants are listed as number 45.

On November 18, 1980, the amendment to the priority list was proposed (45 FR 76427). No comments were received on the amendment. Because, in the Administrator's judgment, asphalt processing operations at petroleum refineries and asphalt processing plants contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare, and because we received no comments to the contrary, the amendment is now being finalized.

Promulgated standards of performance for Asphalt Processing and Asphalt Roofing Manufacture appear elsewhere in this issue of the **Federal Register.**

(Sec. 111 and 301(a) of the Clean Air Act as amended, 42 U.S.C. 7411 and 7601(b))

Dated July 19, 1982.

Anne M. Gorsuch,

Administrator.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

40 CFR Part 60, subpart A, section 60.16 is amended by revising item 45 as follows:

§ 60.16 Priority list.

* * * * *

45. Asphalt Processing and Asphalt Roofing Manufacture.

* * * * *

(Secs. 111 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7411 and 7601(a)))

[FR Doc. 82-19915 Filed 7-22-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[AD-FRL-2134-2]

Air Quality Control Regions, Criteria and Control Techniques

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In compliance with the decision of the United States Court of Appeals for the District of Columbia Circuit in *State of New Jersey* v. *EPA*, 626 F.2d 1038 (D.C. Cir. 1980), EPA proposed to reaffirm existing attainment/unclassifiable designations for ozone in the eastern half of the United States (45 FR 56104, August 22, 1980). EPA is taking final action to reaffirm these designations as proposed.

DATE: Effective on August 23, 1982.

FOR FURTHER INFORMATION CONTACT: Requests for information should be directed to Willis Beal, U.S. Environmental Protection Agency, Control Programs Development Division, MD–15, Research Triangle Park, North Carolina 27711, phone (919) 541–5665. FTS 629–5665.

SUPPLEMENTARY INFORMATION: 1. *Background—New Jersey's Challenge to EPA's Attainment/Unclassifiable Designations for Ozone.* The Clean Air Act Amendments of 1977 required EPA to designate areas of the country with pollution levels exceeding the national ambient air quality standards as nonattainment areas, areas with air quality better than the national standards as attainment areas, and areas without air quality data as unclassifiable areas. Section 107(d), 42 U.S.C. 7407(d).

Using data from air quality monitoring networks and modeling studies, EPA promulgated designations for all areas of the country on March 3, 1978 (43 FR 8962). Because section 107(d) provided only three months for this process, EPA promulgated the designations without first providing opportunity for notice and comment. However, EPA announced that it would accept comments on the designations for 60 days following promulgation, and committed to revise the designations in response to comments received.

The State of New Jersey submitted comments claiming that all areas east of the Mississippi should be designated as nonattainment for ozone. The State wanted EPA to consider meteorological studies suggesting that weather formations can transport ozone for distances of up to 1000 miles. The State also wanted EPA to consider aircraft data showing exceedances of the 0.08 ppm ozone standard aloft.[1] In addition, the State complained that ozone generated in improperly designated attainment/unclassifiable areas was moving downwind and contributing to high ozone levels in New Jersey, forcing the State to impose more stringent controls on its own ozone sources.

The State also challenged EPA's attainment/unclassifiable designations for ozone in the United States Court of Appeals for the District of Columbia Circuit. *State of New Jersey* v. *EPA*, 626 F.2d 1038 (D.C. Cir. 1980). The Court stayed the lawsuit to allow EPA to evaluate and respond to the State's comments.

2. *Final Rulemaking of February 1, 1979.* EPA found that aircraft data were not reliable indicators of ground-level ozone concentrations. EPA also found that ozone was generally transported only 500–600 miles before decaying. EPA also decided that ozone transport was not sufficiently understood to be used as a basis for nonattainment designations.

Furthermore, EPA noted that over 80% of the major stationary sources of ozone precursors within 1000 miles of New Jersey were already located in areas which had been designated as nonattainment on the basis of monitoring or modeling data. Accordingly, EPA concluded that the existing designations were imposing no hardship on downwind States like New Jersey.

EPA announced this decision at 44 FR 6345 (February 1, 1979), and published a detailed "Technical Support Document for Agency Policy Concerning Designation of Attainment, Unclassifiable and Nonattainment Areas for Ozone" (January 1979) (the "1979 TSD"). EPA also committed to undertake long-term studies of ozone formation and transport.

3. *Court Remand.* The United States Court of Appeals for the District of Columbia Circuit ultimately found that

[1] In a separate rulemaking, EPA relaxed the ozone standard from 0.08 parts per million to 0.12 parts per million. See 44 FR 82020 (February 8, 1979). That rulemaking also changed the name of standard from "photochemical oxidants" to "ozone". Today's action will also make technical corrections to the ozone designation tables in 40 CFR 81.300 *et seq.*, changing the abbreviation "Ox" to O_3".

EPA had violated the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, in promulgating the original designations without first providing notice and opportunity for comment. *State of New Jersey v. EPA*, 626 F.2d 1038 (D.C. Cir. 1980). The Court ordered EPA to promulgate new designations, after first providing notice and opportunity for comment, to replace the designations that were challenged by the State. However, the Court left the existing designations in effect pending completion of the new rulemaking. The Court did not address New Jersey's substantive arguments.

4. *Proposed Rulemaking in Response to Remand.* On August 22, 1980 EPA proposed to reaffirm existing designations for all areas affected by the Court's decision (45 FR 56104).[2] EPA informed the public that it again proposed to rely on ozone data from air quality monitoring and modeling studies. The most recent available monitoring and modeling data for the affected areas showed that attainment/unclassifiable designations were still appropriate for these areas.

5. *Additional Studies.* EPA has proceeded to meet its commitment to conduct additional ozone studies made in its 1979 final action on the ozone designations. A first report, "Assessing the Representativeness of Ozone Monitoring Data." EPA 1480–001 ("1980 Ozone Study") was published in January 1980. This report addressed the size of the geographical area represented by a single ozone monitor and the reliability of aircraft data in predicting ground-level ozone concentrations.

EPA has also undertaken a more extensive, long-term study of regional ozone transport and ozone control strategies. One of the goals of this project is to produce a regional-scale model of ozone concentrations which will provide information on contributions of ozone from upwind urban centers. The field work on this project, the "Northeast Corridor Regional Modeling Project," has been completed. Review and analysis are scheduled to be completed in 1982.

EPA made copies of the 1980 Ozone Study and the draft protocol for the Northeast Corridor Study available to commenters during the comment period on its proposal to reaffirm the ozone designations.

6. *Response to Comments on the August 1980 Proposal.* a. *Comments on EPA's ozone designation policy.* EPA received seven comments objecting to EPA's policy for ozone designations. Most of these comments raised issues of equity, complaining that it was unfair for some portions of the highly urbanized eastern half of the country to be designated as attainment or unclassifiable because such areas are subject to less restrictive control requirements. Comments from the States of New Jersey and New York also raised technical issues concerning the 1979 TSD and the 1980 Ozone Study. None of these comments questioned the reliability of the monitoring and modeling data EPA had used. Detailed responses to all of these comments can be found in the Technical Support Document prepared for this rulemaking (the "1981 TSD") Copies are available from the Office of Air Quality Planning and Standards at the address given above.

b. *Comments concerning specific designations: Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont):* No comments specifically pertaining to Region I designations were received.[3]

Region II (New Jersey, New York, Puerto Rico, Virgin Islands): No comments specifically pertaining to Region II designations were received.[3]

Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia): Region III received five public comments. The State of Maryland and the Commonwealth of Virginia suggested that EPA reaffirm the ozone designations for those States as amended on April 1, 1980 and June 27, 1980. In addition, the Celanese Fibers Company submitted comments suggesting that EPA reaffirm its approval of the most recent ozone designations in Garrett and Allegheny Counties (Maryland) and the Valley of Virginia Intrastate Air Quality Control Region ("AQCR") (Virginia). EPA is retaining these nonattainment designations.

The State of Delaware also submitted comments requesting EPA to retain the current attainment and unclassified designation for the Southern Delaware Intrastate AQCR because ozone monitoring began only in July 1979.

EPA agrees that this designation should not be changed at this time. However, if one or more exceedances are observed in 1982, the Regional Office will propose to change the designation for this area to nonattainment.

A detailed review of Region III designations can be found in the 1981 TSD.

Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee): No comments concerning Region IV designations were received.

Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin): Region V received only one comment regarding the attainment designation of a Region V county. This comment was received from the Kentucky Department of Natural Resources and Environmental Protection and concerned Dearborn County, Indiana.

EPA has reviewed the 1975 data for Dearborn County and decided that it does not provide a reliable basis for a nonattainment designation. The data show only two exceedances of the standard in one ozone season. This would not result in a violation as calculated by the reference method accompanying the ozone standard. See 40 CFR Part 50, Appendix H. EPA also feels that the 1975 data is too old to serve as a reliable indicator of ozone levels in 1981. In addition, although Dearborn County is near the Louisville urbanized area, its population is low and it is not considered to be part of the urbanized area. Accordingly, EPA has decided not to change the designation for Dearborn County.

7. *Final Action.* EPA reaffirms the existing attainment/unclassifiable designations found in 40 CFR Part 81 for all areas affected by the Court's decision.

8. *Miscellaneous.* EPA finds that this action is based on a determination of nationwide scope and effect. Under section 307(b)(1) of the Clean Air Act, petitions for review of this action may be filed only in the United States Court of Appeals for the District of Columbia Circuit within 60 days of the date of publication.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it imposes no new regulatory requirements. Today's designations are identical to previous designations for the same areas.

The Office of Management and Budget has exempted this rule from the review

[2] EPA noted that a few of the areas that had originally been designated as attainment/unclassifiable had subsequently been redesignated as nonattainment. EPA believed that these redesignated areas did not fall within the scope of the Court's order, which concerned only attainment/unclassified areas. Accordingly, EPA's proposal did not address these redesignated areas.

[3] EPA did not propose to reaffirm any designations for Connecticut, Massachusetts, Rhode Island, New Jersey or New York since all areas in these States were designated as nonattainment for ozone on March 3, 1978 and were not affected by the Court's decision.

requirements of section 3 of Executive Order 12291.

(Sec. 107(d) and 301 of the Clean Air Act, 42 U.S.C. 7407(d) and 7601)

Dated: July 16, 1982.

Anne M. Gorsuch,

Administrator.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

40 CFR Part 81 is amended as follows:

1. In Part 81, Subpart C—Section 107 Attainment Status Designations, wherever in the tables the heading "O_x" appears after the State name it is revised to read "Ozone (O_3)".

§ 81.355 [Amended]

2. In § 81.355, the table headed "Puerto Rico—Oxidants" is revised to read "Puerto Rico—Ozone (O_3)".

§ 81.356 [Amended]

3. In § 81.356, the table headed "Virgin Islands—Oxidants" is revised to read "Virgin Islands—Ozone (O_3)".

§§ 81.301, 81.308, 81.309, 81.310, 81.311, 81.314, 81.315, 81.318, 81.320, 81.321, 81.323, 81.325, 81.330, 81.334, 81.336, 81.339, 81.341, 81.343, 81.346, 81.347, 81.349, 81.350, 81.355, and 81.356 [Amended]

4. In §§ 81.301 (Alabama), 81.308 (Delaware), 81.309 (District of Columbia), 81.310 (Florida), 81.311 (Georgia), 81.314 (Illinois), 81.315 (Indiana), 81.318 (Kentucky), 81.320 (Maine), 81.321 (Maryland), 81.323 (Michigan), 81.325 (Mississippi), 81.330 (New Hampshire), 81.334 (North Carolina), 81.336 (Ohio), 81.339 (Pennsylvania), 81.341 (South Carolina), 81.343 (Tennessee), 81.346 (Vermont), 81.347 (Virginia), 81.349 (West Virginia), 81.350 (Wisconsin), 81.355 (Puerto Rico), and 81.356 (Virgin Islands) the tables headed "Ozone (O_3)" are amended by inserting as the last entry in the column headed "Designated Areas" the following sentence:

Designations of "Cannot be classified or better than national standards" were reaffirmed on July 23, 1982.

[FR Doc. 82-19916 Filed 7-22-82; 8:45 am]

BILLING CODE 6560-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 441

Medicaid Program; Nurse-Midwife Services; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of Interim Final Rule.

SUMMARY: This document corrects a technical error to the interim final rule published in the **Federal Register** on May 17, 1982, (47 FR 21046) on nurse-midwife services. That notice incorrectly designated a new paragraph in 42 CFR Part 441.

EFFECTIVE DATE: July 16, 1982.

FOR FURTHER INFORMATION CONTACT: Karen Haas, 301-594-4269.

SUPPLEMENTARY INFORMATION: The interim final rule, "Nurse-Midwife Services", published in the **Federal Register** on May 17, 1982, (47 FR 21046, FR Doc. 82-13346) contained a technical error. The amendatory language for 42 CFR 441.10 (47 FR 21051, column 1) revised paragraph (e) and added a new paragraph (f). This addition of paragraph (f) is incorrect since paragraphs (f) and (g) already exist. The amendatory language for § 441.10 should have revised paragraph (e) and added a new paragraph (h).

(Section 1102 of the Social Security Act (42 U.S.C. 1302); Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance program)

Dated: July 19, 1982.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 82-20016 Filed 7-22-82; 8:45 am]

BILLING CODE 4120-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-144; RM-3993]

FM Broadcast Station in Paauilo, Hawaii; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 240A to Paauilo, Hawaii, in response to a petition filed by Jack N. Wheeler. The assigned channel could provide a first FM service to Paauilo.

DATE: Effective September 14, 1982.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: July 13, 1982.

Released: July 16, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Paauilo, Hawaii), BC Docket No. 82-144, RM-3993; Report and Order (Proceeding Terminated).

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 47 FR 11905, published March 19, 1982, proposing the assignment of Channel 240A to Paauilo, Hawaii, as that community's first FM assignment in response to a petition filed by Jack N. Wheeler ("petitioner"). In his comments in support of the proposal, petitioner reaffirmed his intention to apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. As requested in the *Notice*, petitioner submitted economic and demographic data for Paauilo, Hawaii; in view of the action taken in the *Second Report and Order*, BC Docket No. 80-130, 47 Fed. Reg. 26624, published June 21, 1982, this information is no longer required.

3. The Commission has determined that the public interest would be served by assigning Channel 240A to Paauilo, Hawaii, since it would provide the community with its first local FM service.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered, That effective September 14, 1982, § 73.202(b) of the Commission's Rules, is amended with respect to the following community:

City	Channel No.
Paauilo, Hawaii	240A

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

6. For further information, 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.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-19930 Filed 7-22-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-113; RM-3972]

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

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 296A to Marshall, Minnesota, in response to a petition filed by Donnell, Inc. The assigned channel could provide a second FM service to Marshall.

DATE: Effective September 14, 1982.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: July 9, 1982.

Released: July 15, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Marshall, Minnesota); BC Docket No. 82-113, RM-3972; Report and order (Proceeding Terminated).

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 47 FR 10261, published March 10, 1982, proposing the assignment of Channel 296A to Marshall, Minnesota, as that community's second FM assignment. The *Notice* was issued in response to a petition filed by Donnell, Inc. ("petitioner"). Comments in support of the proposal were filed by petitioner. No oppositions to the proposal were received.

2. The Commission has determined that the public interest would be served by assigning Channel 296A to Marshall, Minnesota, since it would provide the community with an opportunity for a second FM broadcast service.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered, That effective September 14, 1982, § 73.202(b) of the Commission's Rules is amended with regard to the following community.

City	Channel No.
Marshall, Minnesota	261A, 296A

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

5. 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.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-19931 Filed 7-22-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-38; RM-3982]

FM Broadcast Stations in Volga, South Dakota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 272A to Volga, South Dakota, in response to a petition filed by Dakota-North Plains Corporation. The assigned channel could provide a first FM service to Volga.

DATE: Effective September 14, 1982.

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

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

SUPPLEMENTARY INFORMATION:

List of subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: July 9, 1982.

Released: July 15, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Volga, South Dakota); BC Docket No. 82-38, RM-3982; *Report and Order* (Proceeding Terminated).

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 Fed. Reg. 8795, published March 2, 1982, proposing the assignment of Channel 272A to Volga, South Dakota, as that community's first FM assignment in response to a petition filed by Dakota-North Plains Corporation ("petitioner"), licensee of AM Station KVAA, Volga, South Dakota. Comments in support of the proposal were filed by petitioner. The assignment can be made in compliance with the minimum distance separation requirements.

2. In its comments to the proposal, petitioner incorporated by reference, the information contained in the Notice. It also restated its intention to apply for the channel, if assigned.

3. The Commission has determined that the public interest would be served by assigning Channel 272A to Volga, South Dakota, since it could provide the community with its first local FM broadcast service.

4. Accordingly, pursuant to the authority contained in section (i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered, That effective Sept. 14, 1982, § 73.202(b) of the Commission's Rules, is amended with respect to the following community:

City	Channel No.	
	Present	Proposed
Volga, South Dakota		272A

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

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

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-19933 Filed 7-22-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-150; RM-4021]

FM Broadcast Station in Hearne, Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 232A to Hearne, Texas, in response to separate petitions filed by

East Texas Wireless Radio and by Texan Broadcasting Company. The assigned channel could provide a first FM service to Hearne.

DATE: Effective September 14, 1982.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: July 13, 1982.

Released: July 16, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Hearne, Texas); BC Docket No. 82–150, RM–4021; report and order (Proceeding Terminated).

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 47 FR 13841, published April 1, 1982, proposing the assignment of Channel 232A to Hearne, Texas, as that community's first FM assignment in response to a petition filed by East Texas Wireless Radio ("petitioner"). Petitioner filed comments in support of the proposal [1] and reaffirmed its interest in applying for the channel, if assigned. Texan Broadcasting Company, Inc., also filed comments in support of the proposal and indicated its continuing interest in applying for the channel, if assigned.

2. The Commission has determined that the public interest would be served by assigning Channel 232A to Hearne, Texas, since it would provide the community with its first local FM broadcast service.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's rules, it is ordered, That effective September 14, 1982, § 73.202(b) of the Commission's Rules is amended with respect to the following community:

City	Channel No.
Hearne, Texas	232A

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

5. For further information contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–19934 Filed 7–22–82; 8:45 am]

BILLING CODE 6712–01–M

[1] Petitioner submitted certain community and economic data for Hearne in support of the assignment. However, in view of the action taken in BC Docket No. 80–130, 47 FR 26624, published June 21, 1982, this information is no longer required.

Proposed Rules

Federal Register
Vol. 47, No. 142
Friday, July 23, 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

Food and Nutrition Service

7 CFR Parts 210 and 220

National School Lunch and Breakfast Programs; Meal Pattern Monitoring Requirements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the National School Lunch Program regulations to require each State to develop a system for monitoring compliance with the school lunch meal pattern requirements. The State's familiarity with each School Food Authority's methods for meal planning and preparation provides the expertise to establish a State monitoring system that will ensure compliance with the school lunch meal pattern requirements. The Department is proposing this rule to reduce Federal regulation, increase State and local flexibility, and reduce costs of local program operations in the school lunch program.

DATE: To be assured of consideration, comments must be postmarked on or before September 21, 1982.

ADDRESSES: Comments should be sent to Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, Food and Nutrition Service, USDA, Alexandia, Virginia 22302. All written submissions will be available for public viewing in Room 509, 3101 Park Center Drive, Alexandria, Virginia 22302, during regular business hours (8:30 a.m. to 5:00 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Garnett at the address listed above, or call (703) 756–3620.

SUPPLEMENTARY INFORMATION:

Classification

This proposed action has been reviewed under Executive Order 12291 and has been classified *not major.* We anticipate that this proposal will not have an impact on the economy of more than $100 million. The proposed rule will decrease costs by providing States, School Food Authorities and institutions more flexibility in administering the National School Lunch Program. No major increase in cost or prices for program participants, individual industries, Federal agencies, or geographic regions is anticipated. We do anticipate decreased administrative costs at the State and local School Food Authority levels. The proposal is not expected to have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or foreign markets.

This proposal has also been reviewed with regard to the requirements of Public Law 96–354, the Regulatory Flexibility Act. The Administrator of the Food and Nutrition Service (FNS) has certified that this proposal will not have a significant economic impact on a substantial number of small entities.

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the reporting and recordkeeping requirements contained in this proposed rule will be submitted to the Office of Management and Budget (OMB) for approval. They are not effective until OMB approval has been obtained.

Proposed Rule

States share with the Department the responsibility for assuring that schools comply with program requirements, and the Department believes States should be given as much flexibility as possible in determining how to meet that responsibility. Therefore, this proposal would require each State to develop a plan for monitoring compliance with the meal pattern requirements, but allow it to determine what that plan should be, subject to review and approval by FNS. The plan would be part of the Assessment, Improvement, and Monitoring System (AIMS). If ten percent or more of meals reviewed in a School Food Authority failed to meet meal pattern requirements, a corrective action plan and a second AIMS review must be undertaken.

In this regard, the proposal recognizes both production-based monitoring and the monitoring of individual food portions as alternative methods of determining compliance with the regulations. The reliance on the monitoring of individual food portions as served has been subject to criticism by some State and local school food service officials. Much of this criticism is directed at the use of laboratory quantity measuring standards to determine if an individual food portion meets the minimum weight or volume requirements of the regulations. Moreover, there is increasing concern that monitoring meals as served discourages innovative approaches to food service, such as salad bars and family style service. The recognition of production-based monitoring, which traditionally includes a review of portioning techniques and observing the actual meal service, as an alternative available to the States is intended to respond to these concerns. States may also wish to consider a system that includes both production based and individual plate monitoring to ensure that Federal requirements are being met.

The proposal also contains three conforming changes to the regulations. First, because the need for production records would now be determined by each State in developing its monitoring system, the Federal requirement that schools maintain production records would be deleted. Second, under this proposal the monitoring of compliance with the quantity standards of the meal pattern requirements would become part of the Assessment, Improvement, and Monitoring System. Consequently, the proposal deletes the superseded provisions of § 210.16(h) concerning the disposition of State agency claims against local schools for failure to comply with the meal pattern requirements. Third, to make the disposition of claims consistent between the school lunch and breakfast programs, the proposal would also delete § 220.14(h).

The "Table" referred to in the restatement of § 210.10(a)(1) and (a)(2) is the School Lunch Pattern and is not changed by this proposal.

List of Subjects

7 CFR Part 210

Food assistance programs, National school lunch program, Grant programs—Social programs, Nutrition, Children, Reporting and recordkeeping

requirements, Surplus agricultural commodities.

7 CFR Part 220

Food assistance programs, School breakfast program, Grant programs—Social programs, Nutrition, Children, Reporting and recordkeeping requirements.

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Accordingly, Part 210 is proposed to be amended as follows:

1. Section 210.2 is proposed to be amended by revising paragraph (b–3)(4) (AIMS Performance Standard 4) to read as follows:

§ 210.2 Definitions.

* * * * *

(b–3) * * *

(4) Lunches claimed for reimbursement are produced in accordance with the requirements of § 210.10; and

* * * * *

2. In § 210.8, paragraph (e)(3) is proposed to be revised to read as follows:

§ 210.8 Requirements for participation.

* * * * *

(e) * * *

(3) Provide lunches that meet the requirements of § 210.10 during a period designated as the lunch period by the School Food Authority;

* * * * *

3. In § 210.10, paragraph (a)(1) and the introductory paragraph of (a)(2) are proposed to be revised and a new paragraph (k) is proposed to be added to read as follows:

§ 210.10 Requirements for lunches.

(a)(1) This section including the following table, sets forth the Federal lunch requirements. School Food Authorities that cannot provide lunches on the basis of age or grade level shall provide lunches based on group IV portions for all children.

(2) *Table.* The table presents the minimum Federal lunch requirements for groups I to IV and larger recommended amounts for group V. The requirements and recommendations are designed to provide a nutritious and well-balanced lunch to each child; the nutrients of the lunch, averaged over a period of time, should *approximate* one-third of the Recommended Dietary Allowances for children for each group. Schools shall provide sufficient kinds and quantities of foods so that students may be served lunches that contain all five food items within the four required components in at least the amounts indicated. Where students may decline items under paragraph (a)(5) of this section, quantity production may take into account student preferences and the amount of food students are expected to request. Schools are encouraged to produce quantities of food for group V based on the larger amounts specified in the table. * * *

* * * * *

(k) The State agency shall develop the system used in monitoring schools for compliance with meal pattern quantity requirements. The State agency shall maintain a description of the monitoring system for annual review and approval by FNS during the management evaluations conducted in accordance with § 210.17. The State's system shall be designed to ensure that the requirements of this section are met. The system must include a description of how the system will monitor combination products. If 10 percent or more of meals reviewed in a School Food Authority failed to meet meal pattern requirements, a corrective action plan and a second AIMS review must be undertaken under § 210.14. If the State system relies on monitoring production, the system also include the basis for determining food yields.

4. In § 210.11, the fifth sentence of paragraph (a), "Production and participation records shall be maintained to demonstrate positive action toward this objective," is proposed to be removed and the last sentence of that paragraph is proposed to be revised to read as follows:

§ 210.11 Reimbursement payments.

(a) * * * In no event shall the School Food Authority claim or be eligible for special cash assistance reimbursement for free and reduced price meals in excess of the number of children approved for free and reduced price meals, or be eligible for general or special assistance for lunches claimed in excess of the number prepared in accordance with the requirements of § 210.10.

* * * * *

5. In § 210.14, in the third sentence of paragraph (a)(3) the words at the end of that sentence, "determine by observation of a representative sample of meals that all meals contain all required components," are proposed to be revised to read as follows:

§ 210.14 Special responsibilities of State agencies.

(a) * * *

(3) * * * determine that meals are prepared in accordance with the requirements of § 210.10. * * *

6. In § 210.14(a)(3)(iv) subparagraph (D), the first sentence is proposed to be revised to read as follows:

(a) * * *

(3) * * *

(iv) * * *

(D) For AIMS Peroformance Standard 4, ten percent or more of the meals in a School Food Authority failed to meet meal pattern requirements under the State agency monitoring system * * *

* * * * *

§ 210.16 [Amended]

7. § 210.16(h) is proposed to be removed.

PART 220—SCHOOL BREAKFAST PROGRAM

Accordingly, Part 220 is proposed to be amended by removing § 220.14(h).

(Sec. 9, Pub. L. 79–396, 60 Stat. 233 (42 U.S.C. 1758(a)))

Dated: July 20, 1982.

John W. Bode,

Deputy Assistant Secretary for Food and Consumer Services.

[FR Doc. 82–19979 Filed 7–22–82; 8:45 am]

BILLING CODE 3410–30–M

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7 CFR Parts 210, 225 and 226

Vegetable Protein Products Used in Child Nutrition Programs; Proposal To Allow Flexibility

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food and Nutrition Service (FNS) of the Department of Agriculture (USDA) proposes to amend Appendix A of the National School Lunch Program Regulations, the Summer Food Service Program for Children Regulations, and the Child Care Food Program Regulations to allow program administrators greater flexibility in the use of vegetable protein products. Vegetable protein products have been authorized as an alternate food for the child nutrition programs since 1971, although the authorization was not stated in the program regulations. The Department is issuing these regulations because of developments in food technology, rising food costs, and the need to simplify federal administrative procedures. This proposal will (1) adopt the naming and nutritional requirements for vegetable protein products used to substitute, in part, for meat, poultry, and seafood as set forth by the Food and Drug Administration, (2) maintain a 30 percent maximum level of substitution by hydrated vegetable protein products,

(3) allow vegetable protein products in the dry form or artially hydrated form, (4) allow for the appropriate hydration of all forms of vegetable protein products by setting the protein quantity requirements for a product "when hydrated or formulated," (5) establish a requirement that vegetable protein products fortified for use in the child nutrition programs be identified as meeting USDA–FNS specifications, (6) eliminate the "texture" requirement for vegetable protein products.

DATE: Comments must be received by on or before September 21, 1982.

ADDRESS: Comments may be mailed to Cynthia H. Ford, Branch Chief, Technical Assistance Branch, Nutrition and Technical Services Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. Comments will be received and may be inspected at Room 602, Nutrition and Technical Services Division, Park Office Center Building, 3101 Park Center Drive, Alexandria, Virginia, during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Bernard Alexander or Kathy Molino, 703–756–3556.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Executive Order 12291 and has been classified nonmajor because it does not meet any of the three criteria of the Executive Order. It will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant impact on competition, employment, investment, productivity, innovation, or on the ability of U.S. enterprises to compete. Vegetable protein products have been allowed since 1971; this proposed rule would merely increase the flexibility for their use in child nutrition programs and expand on the types of vegetable protein products that are currently authorized.

The proposal has also been reviewed with regard to the provisions of Pub. L. 96–354. Samuel J. Cornelius, Administrator of the Food and Nutrition Service, has certified that the proposal does not have a significant economic impact on a substantial number of small entities.

This regulation does not contain reporting and record keeping requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act.

Background

In February of 1971, the Department issued FNS Notice 219 which permitted the use of hydrated textured vegetable protein products as an alternate food to provide up to 30 percent (uncooked basis) of meat, poultry, or fish used to meet the meat/meat alternative requirement of meal patterns for the various child nutrition programs. The Department permitted the use of these products because they were nutritious, helped school food service directors to cope with the high cost of meats, and helped to provide more flexibility in menu planning.

The Department designed the nutrient specifications for textured vegetable protein products outlined in FNS Notice 219 to be nutritionally equivalent to raw ground beef containing no more than 30 percent fat. The dry textured vegetable protein was to contain at least 50 percent protein and when hydrated have a maximum moisture content of 65 percent. FNS Notice 219 was clearly designed around soy flour which was the vegetable protein product available at that time.

Due to recent advances in food technology, several new types of vegetable protein products have been developed—isolates and concentrates. These proposed regulations will allow a wider choice than FNS Notice 219 in types of vegetable protein products used. The regulations, however, will not expand the amount of vegetable protein product allowed to substitute for meat, poultry and seafood beyond what is currently allowed.

These regulations adopt portions of tentative final regulations for vegetable protein products published by the Food and Drug Administration (FDA) in the **Federal Register** of July 14, 1978, (43 FR 30472). FDA has reviewed the proposed regulations embodied in this document and has agreed that they do not conflict with their regulations.

The regulation will ensure that vegetable protein products are nutritionally equivalent to the food they replace. In fact, the new FDA tentative final regulations contain some nutrients, such as zinc and copper, that are not in FNS Notice 219. These nutrients have been determined recently to be needed in vegetable protein products to make them more equivalent nutritionally to the food they replace.

Any change proposed in these regulations will not replace existing specifications for vegetable protein products until a final regulation is published. It is expected that manufacturers will comply with the specifications in the final rule within one year from publication of such rule.

Issues Addressed

There are a number of issues surrounding the use of vegetable protein products as an alternate food. In addressing these issues the Department will: (1) protect the nutritional integrity of the child nutrition programs, (2) provide the greatest amount of flexibility possible to allow for the use of economical, acceptable, and nutritious vegetable protein products, and (3) elinminate the process by which the Department "approved" vegetable protein products. The following is a discussion of pertinent issues and how the Department is proposing to address them in this proposed rule.

1. *Nutritional Requirements for Vegetable Protein Products Used in Child Nutrition Programs.* The Department proposes to adopt the nutrient profile set forth by FDA (in tentative final regulations) for vegetable protein products used to substitute, in part, for meat, poultry, and seafood.

The nutrient profile was developed as a nutritional equivalence standard for regulatory purposes. All nutrient requirements are on a per gram of protein basis. Vitamins and minerals included in the nutrient profile are those found in measurable amounts in meat, poultry, and seafood, that is, at least 2 percent of the U.S. Recommended Daily Allowance per serving for an individual nutrient. Required nutrient levels were generally set at the average amount of a nutrient found in these foods. Exceptions to these general guidelines were made in some cases. For instance, bioavailability considerations were taken into account in setting zinc levels. In order to adjust for the inhibitory effect of phytate found in vegetable protein products on the absorption of zinc and to ensure availability of adequate levels, the zinc requirement as set at approximately twice the average level found in each food category. The effect of phytate on other nutrients such as iron and manganese was taken into consideration. However, there is insufficient evidence at this time to alter the levels of these nutrients based on the effects of phytate in vegetable protein products. The Department will continue to monitor research in this field.

The nutrient profile set forth in this document also establishes that the biological quality of protein for the vegetable protein product be at least 80 percent that of casein. Currently, the Protein Efficiency Ratio (PER) assay is the only official method available for determining protein quality. The Department recognizes there are other methods being used to measure protein quality, but the merits of these methods have not yet been established through the collaborative studies which are

necessary for them to be made official. Therefore, the Department concludes that for the purpose of this regulation it is appropriate to continue to use the PER assay as the basis for determining protein quality. However, exceptions to use of the PER assay will be considered when adequately supported.

2. *Labeling.* This regulation eliminates the requirement for manufacturers to apply for inclusion of their products on an approved products list. However, the Department is proposing to require that vegetable protein products for use in child nutrition programs as an alternate food be labeled, as are other alternate foods, as meeting USDA–FNS requirements for such use.

The Department also proposes to adopt from FDA's tentative final regulations the common and usual names for vegetable protein products used to substitute, in part, for meat, poultry or seafood. This name will be required to appear on the product's label along with an ingredient statement which shall list the source (e.g., soy or peanut) and type of vegetable protein product(s) (flour, concentrate, isolate) contained in the extended food. For the latter purpose this document establishes definitions for various types of vegetable protein products (flour, concentrate, isolate). These defintions are based on requirements set forth by FDA (in tentative final regulations) in establishing common or usual names for these types of products.

3. "Texture" of Vegetable Protein Products. FNS Notice 219 required vegetable protein products used in the child nutrition programs to have texture, that is, "structural integrity and identifiable texture such that each unit will withstand hydration and cooking and other procedures used in preparing the food for consumption." The intent of this requirement was to ensure that a hydrated product resembled the physical characteristics of the meat (usually ground beef) it replaced. However, new uses of vegetable protein products including functional uses such as binders make it unnecessary to impose such a requirement at this time.

4. *Usage.* FNS Notice 219 specified the level of replacement of vegetable protein products for meat, poultry, and seafood based on the fully hydrated weight (60–65 percent moisture level) of the vegetable protein product. Additionally, this notice required that vegetable protein products shall be prepared and served in combination with ground or diced meat in the form of meat patties, meat loaves, meat sauces, or in similar foods made with poultry or seafood. To acknowledge new advances in food technology, the Department is proposing to allow vegetable protein products in the dry form or partially hydrated to be used to substitute, in part, for meat, poultry or seafood. The contribution that vegetable protein products used in the dry form or partially hydrated make toward the meat/meat alternate requirement will be calculated based on the quantity by weight of the dry or partially hydrated product plus the amount of water that would have been used to attain full hydration (as defined in the following section on hydration). This use and the use of the fully hydrated product would be allowed when the vegetable protein product is prepared in combination with raw or cooked meat, poultry or seafood and resembles the product for which it is combined. Examples of items in which a vegetable protein product may be used include, but are not limited to beef patties, beef crumbles, meat loaf, tuna salad, etc.

A vegetable protein product may not be used to meet part of the meat/meat alternate requirement when used in such items as pizza crust or breading. The requirement that a vegetable protein product be nutritionally equivalent to meat, poultry or seafood, as established by FDA and adopted for purposes of this regulation, applies only to those vegetable protein products that resemble as well as substitute, in part, for meat, poultry or seafood. For example, the nutrient profile, because it is designed to approximate meat, applies to vegetable protein products formulated and used to resemble and substitute, in part, for meat in a beef pattie, but not to vegetable protein products used in breading for that beef pattie. Comments are being requested on establishing a nutrient profile for and allowing breading containing vegetable protein products to be used to substitute, in part, for meat, poultry or seafood for the purposes of the child nutrition programs.

Currently, the contribution vegetable protein products make toward the meat/meat alternate requirement of the child nutrition meal patterns is determined on the basis of the preparation yield of the meat, poultry or seafood with which it is combined. When computing the preparation yield of a product containing meat, poultry or seafood, and vegetable protein product, the vegetable protein product is evaluated as having the same preparation yield that is applied to the meat, poultry or seafood it replaces. The Department proposes to retain this method of calculating the contribution of vegetable protein products toward the meat/meat alternate requirement.

5. *Hydration.* As we already discussed above in the proposed nutritional requirements, the hydration levels set forth in FNS Notice 219 are inadequate for concentrates and isolates currently on the market. The nutritional specifications as proposed by FDA provide for appropriate hydration of vegetable protein products by setting the protein quantity requirements for a product when hydrated. The nutrient profile for meat, poultry, and seafood adopted in this document, sets the protein requirement at 18 percent by weight when hydrated or formulated (hereinafter referred to as fully hydrated). ("When hydrated" refers to a dry vegetable protein product(s) and the amount(s) of water, fat or oil, colors, flavors, and any other substances which have been added in order to make the resultant mixture resemble the meat, poultry, or seafood.)

Since the protein requirement is specified for a vegetable protein product when hydrated, in order to hydrate a dry vegetable protein product correctly it is necessary to know the percent of protein contained in the dry product. This information is also necessary in order to determine the contribution that a vegetable protein product makes toward the meat/meat alternate requirement regardless of the manner in which it is used (dry, partially hydrated, fully hydrated). Therefore, the Department is recommending that manufacturers provide information on the percent protein contained in the dry vegetable protein product to be used to substitute in part for meat, poultry or seafood in the child nutrition programs.

6. *Allowable Levels of Substitution for Meat, Poultry, and Seafood.* FNS Notice 219 specified that the quantity by weight of fully hydrated (60–65 percent moisture level) vegetable protein product shall not exceed 30 parts to 70 parts meat, poultry or seafood on an uncooked basis when used as an alternate food in the child nutrition programs. The Department is proposing to retain the 30 percent maximum level for fully hydrated vegetable protein products. Also, vegetable protein products used in the dry form or partially hydrated may be used in substituting, in part, for meat, poultry or seafood at a level of substitution not to exceed 30 percent calculated as if the product were fully hydrated.

7. *"Mixes" of Dry Vegetable Protein Products and Seasonings.* There are a number of vegetable protein product "mixes" currently available to the child nutrition program market. These are dry products containing vegetable protein products along with substantial levels

(more than 5 percent) of seasonings, bread crumbs, flavorings, etc. For example, a "mix" may contain 80 percent dry vegetable protein product and 20 percent seasonings and other ingredients. Only the vegetable protein product portion of the "mix" may be used as a meat alternative in the child nutrition programs. Because the user must know the amount of the "mix" that is vegetable protein product, the Department recommends that manufacturers provide information on the amount by weight of dry vegetable protein product in the package. It is also recommended that hydration instructions, and instructions on how to combine the mix with meat, poultry or seafood be stated on the package.

List of Subjects

7 CFR Part 210

Food assistance programs, National school lunch program, Grant programs—Social programs, Nutrition, Children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 225

Food assistance programs, Grant programs—health, Infants and children, Reporting requirements.

7 CFR Part 226

Day care, Food assistance programs, Grant programs—health, Infants and children, Surplus agricultural commodities.

PARTS 210, 225, AND 226 [AMENDED]

Accordingly, a new section, Vegetable Protein Products, is proposed to be added to Appendix A of 7 CFR Part 210, and a new Appendix A to be added to Parts 225 and 226 to read as follows:

Appendix A: Food for Meals

* * * * *

Vegetable Protein Products

1. Schools, institutions, and service institutions may use a vegetable protein product, defined in paragraph 2, as a food component meeting the meal requirements specified in § 210.10, § 225.10 or § 226.21 under the following terms and conditions:

(a) The vegetable protein product must be prepared in combination with raw or cooked meat, poultry or seafood and shall resemble the product for which it substitutes. Examples of items in which a vegetable protein product may be used include, but are not limited to, beef patties, beef crumbles, pizza topping, meat loaf, meat sauce, taco filling, burritos, and tuna salad.

(b) Vegetable protein products may be used in the dry, partially hydrated or fully hydrated form in combination with meat, poultry or seafood. The moisture content of the fully hydrated vegetable protein product shall be such that the mixture will have a minimum of 18 percent protein by weight or equivalent amount for the dry or partially hydrated form (based on the level that would be provided if the product were fully hydrated).

(c) The quantity, by weight, of the fully hydrated vegetable protein product must not exceed 30 parts to 70 parts meat, poultry or seafood on an uncooked basis. The quantity by weight of the dry or partially hydrated vegetable protein product must not exceed a level equivalent to the amount (dry weight) used in the fully hydrated product at the 30 percent level of substitution. The dry or partially hydrated product's replacement of meat, poultry or seafood will be based on the level of substitution it would provide if it were fully hydrated.

(d) A vegetable protein product shall not be used other than when combined with meat, poultry or seafood.

(e) The combination of the vegetable protein product and meat, poultry or seafood may meet all or part of the meat/meat alternate requirement specified in §§ 210.10, 225.10, or 226.21.

(f) The contribution vegetable protein products make toward the meat/meat alternate requirement specified in §§ 210.10, 225.10 or 226.21 shall be determined on the basis of the preparation yield of the meat, poultry or seafood with which it is combined. When computing the preparation yield of a product containing meat, poultry or seafood, and vegetable protein product, the vegetable protein product shall be evaluated as having the same preparation yield that is applied to the meat, poultry or seafood it replaces.

(g) When vegetable protein products are served in a meal with other alternate foods authorized in this Appendix A, each individual alternate food shall be used as specifically directed.

2. A vegetable protein product to be used to substitute in part for meat, poultry, or seafood as specified in paragraph 1 must meet the following criteria:

(a) The vegetable protein product (substitute food) shall contain one or more vegetable protein products which are defined as follows:

(1) Vegetable (plant) protein products are foods which are processed so that some portion of the nonprotein constituents of the vegetable is removed. These vegetable protein products are safe and suitable edible products produced from vegetable (plant) sources including, but not limited to, soybeans, peanuts, wheat, and corn.

(b) The types of vegetable protein products described in paragraph 2(a)(1) above shall include flour, concentrate, and isolate as defined below:

(1) A product which contains less than 65 percent protein by weight calculated on a moisture-free basis excluding added flavors, colors, or other added substances is a "flour."

(2) A product which contains 65 percent or more but less than 90 percent protein by weight calculated on a moisture-free basis excluding added flavors, colors, or other added substances, is a "—— protein concentrate", the blank to be filled with the name of the source of the protein, e.g., "soy" or "peanut".

(3) A product which contains 90 percent or more protein by weight calculated on a moisture-free basis excluding added flavors, colors, or other added substances, is a "protein isolate" or "isolated——protein," the blank to be filled in with the name of the source of the protein, e.g., "soy" or "peanut".

(c) Compliance with the moisture and protein provisions of paragraph 2(b) (1),(2), and (3) above shall be determined by the appropriate methods described in "Official Methods of Analysis of the Association of Official Analytical Chemists" (latest edition).

(d) Vegetable Protein Products which are used to subsitute in part for meat, poultry or seafood shall be labeled in conformance with applicable sections of § 102.76, tentative final regulations, published by the Food and Drug Administration in the **Federal Register** of July 14, 1978 (43 FR 30472). Adopted for the purpose of this proposed regulation are the following:

(1) The common or usual names for a vegetable protein product used to resemble and substitute for meat, poultry or seafood shall include the term "vegetable protein product" and may include the term "textured" or "texturized" and/or a term which accurately describes the physical form of the product, e.g., "granules," when such term is appropriate. The term "plant" may be used in the name in lieu of the term "vegetable."

(2) The vegetable protein products used as ingredients in the substitute food shall be listed by source (e.g. soy or peanut) and produce type (i.e., flour, concentrate, isolate) in the ingredient statement on the label. Product type(s) listed shall comply with the appropriate definition(s) set forth in paragraph 2(b) (1),(2), and (3), and may include a term which accurately describes the physical form of the product, e.g., "granules" when such term is appropriate.

(e) Vegetable protein products which substitute in part for meat, poultry or seafood shall meet the following nutritional specifications adopted from 102.76, tentative final regulation, published by the Food and Drug Administration in the **Federal Register** of July 14, 1978 (43 FR 30472).

(1) The biological quality of the protein in the vegetable protein product shall be at least 80 percent that of casein, determined by performing a Protein Efficiency Ratio (PER) assay or such other test approved by FNS.

(2) The vegetable protein product shall contain at least 18 percent protein by weight when hydrated or formulated to be used in combination with meat, poultry or seafood. ("When hydrated" refers to a dry vegetable protein product and the amount of water, fat or oil, colors, flavors or any other substances which have been added in order to make the resultant mixture resemble the meat, poultry or seafood.)

(3) The vegetable protein product must contain the following levels of nutrients per gram of protein:

Nutrient	Amount
Vitamin A (IU)	13
Thiamine (milligrams)	0.02
Riboflavin (milligrams)	.01

Nutrient	Amount
Niacin (milligrams)	.3
Pantothenic acid (milligrams)	.04
Vitamin B_6 (milligrams)	.02
Vitamin B_{12} (micrograms)	.1
Iron (milligrams)	.15
Magnesium (milligrams)	1.15
Zinc (milligrams)	.5
Copper (micrograms)	24
Potassium (milligrams)	17

(4) Compliance with the nutrient provisions set forth in paragraph 2(e)(1)(2) and (3) above shall be determined by the appropriate methods described in "Official Methods of Analysis of the Association of Official Analytical Chemists" (latest edition).

(f) Vegetable protein products to be used in the child nutrition programs as a substitute in part for meat, poultry or seafood that comply with the labeling and nutritional specifications set forth in paragraph 2(d)(1) and (2) and paragraph 2(e)(1)(2) and (3) shall bear a label containing a statement that "this product meets USDA–FNS requirements for use in meeting a portion of the meat/meat alternate requirement of the child nutrition programs." This statement shall appear on the principal display panel area of the package.

(g) It is recommended that for vegetable protein products to be used to substitute in part for meat, poultry or seafood and labeled as specified in paragraph 2(f) above, manufacturers provide information on the percent protein contained in the dry vegetable protein product.

(h) It is recommended that for a vegetable protein product mix, manufacturers provide information on (1) the amount by weight of dry vegetable protein product in the package, (2) hydration instructions, and (3) instructions on how to combine the mix with meat, poultry or seafood. A vegetable protein product mix is defined as a dry product containing vegetable protein products that comply with the labeling and nutritional specifications set forth in paragraphs 2(d)(1) and (2) and paragraph 2(e)(1)(2) and (3) along with substantial levels (more than 5 percent) of seasonings, bread crumbs, flavorings, etc.

3. Schools, institutions, and service institutions may use a commercially prepared meat, poultry or seafood product combined with vegetable protein products to meet all or part of the meat/meat alternate requirement specified in § 210.10, 225.10 or 226.21 if the product bears a label containing a statement that "this product contains vegetable protein product(s) which can be used to meet a portion of the meat/meat alternate requirement of the child nutrition programs" (outlined in paragraph 2 above). This would designate that the vegetable protein product used in the formulation of the meat, poultry or seafood item complies with the naming and nutritional specifications set forth in paragraph 2 above.

(National School Lunch Act Sections 9, 13, 17, 42 U.S.C. 1758, 1761, 1766; 7 CFR Parts 210.10, 225.10, 226.21)

Dated: July 20, 1982.

John W. Bode,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 82-19978 Filed 7-22-82; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 1011

[Marketing Agreements and Orders; Milk]

Milk in the Tennessee Valley Marketing Area; Proposed Temporary Revision of Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed temporary revision of rule.

SUMMARY: This notice invites written comments on a proposal that the supply plant shipping requirement under the Tennessee Valley Federal milk order be decreased temporarily for the months of August through November 1982. The temporary change was requested by the operator of a supply plant that is regulated as a pool plant by the Tennessee Valley order. The handler contends that the change is necessary to remove the need for supply plant operators to incur the cost of uneconomic shipments of milk to maintain pool status for their plants during a period of supply imbalance.

DATE: Comments are due on or before July 30, 1982.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077 South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–4829.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has also been determined that the potential need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the completion of the procedure in time to give interested parties timely notice that supply plant shipping requirements for August 1982 would be modified. The initial request for the action was received on July 13, 1982.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1011.7(b) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Tennessee Valley marketing area is being considered for the months of August through November 1982.

All persons who desire to submit written data, views or arguments in connection with the proposed revision should file the same with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, on or before July 30, 1982. Please submit two copies of the documents filed. The period for filing views is being somewhat limited to enable the timely consideration of this matter since the proposed action would be applicable to milk shipments made during August. Further, the proposed change provides some reduction of pooling standards and would not require extensive preparation or substantial alteration in the method of operation for handlers.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be revised are the supply plant shipping percentages set forth in § 1011.7(b) that are applicable during the months of August through November 1982. It has been requested that the shipping requirements be reduced from 60 percent to 50 percent for the four-month period. Section 1011.7(b) allows the Director of the Dairy Division to increase or decrease the applicable shipping percentage up to 10 percentage points in order to obtain needed shipments for the market or to prevent uneconomic shipments of milk to distributing plants.

Kraft, Inc., which operates a supply plant regulated by the Tennessee Valley order, has requested a temporary reduction in the supply plant shipping

requirement of 10 percentage points. Kraft states that over the past year the Tennessee Valley market has experienced an increase in milk production without a corresponding increase in Class I sales. The handler claims that this marketwide development makes it difficult for its supply plant to meet the 60 percent shipping requirement without engaging in uneconomic shipments of milk if it wishes to maintain pool plant status. Kraft notes that the general imbalance of supply over demand in the Tennessee Valley market recently required emergency rulemaking to ease the burden of surplus milk disposition. The handler indicates, also, that its situation is affected by an increase in the number of producers delivering milk to its supply plant.

Under the circumstances described, it may be appropriate to reduce the pool supply plant shipping percentage for these months. The proposed temporary reduction in the shipping requirement could prevent uneconomic movements of milk merely for purposes of pool plant qualification. Also, these changes could assure that producers who have been regularly associated with the fluid market can continue to share in the pool proceeds of the market. Accordingly, the proposed relaxation of these pooling provisions during August through November 1982 may be appropriate.

List of Subjects in 7 CFR Part 1011

Milk Marketing Orders, Milk, Dairy Products.

Signed at Washington, D.C., on: July 19, 1982.

W. H. Blanchard,

Acting Director, Dairy Division.

[FR Doc. 82-20051 Filed 7-22-82; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 34

[Docket No. PRM-34-2]

Withdrawal of Petition for Rulemaking; Nondestructive Testing Management Association

AGENCY: Nuclear Regulatory Commission.

ACTION: Withdrawal of petition for rulemaking.

SUMMARY: In the **Federal Register** of August 4, 1978 (43 FR 34563), the Commission announced the receipt of and requested comments on a petition for rulemaking (PRM-34-2) filed by the Non-Destructive Testing Management Association. The petition, dated June 28, 1978, requested that the Commission amend its regulations to provide for the registration, licensing, and control of individual radiographers. By letter dated May 10, 1982, the petitioner has withdrawn its petition for rulemaking. The petitioner did not indicate any reason for withdrawing the petition in the letter requesting this action.

The Nuclear Regulatory Commission has been studying the problem of radiography overexposures. As a part of its program to reduce the extent and seriousness of this problem, NRC published on May 4, 1982 (47 FR 19152) an advance notice of proposed rulemaking investigating the possibility of third-party certification of industrial radiographers. Although this ANPRM was issued partially in response to PRM-34-2, the staff intends to continue this rulemaking action because of the continuing concern regarding radiography exposures.

ADDRESSES: A copy of the petitioner's letter of withdrawal is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. A copy of the letter of withdrawal may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492-7086 or Toll Free: 800-368-5642.

Dated at Bethesda, Maryland this 13th day of July 1982.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 82-19876 Filed 7-22-82; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 140

Modification of Indemnity Agreements

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission's regulations provide that if the Commission intends to enter into an indemnity agreement with provisions different than those in a standard form indemnity agreement or intends to modify a standard form indemnity agreement, then the Commission must publish notice of this intent in the **Federal Register** and allow 15 days for interested persons to file petitions for leave to intervene with respect to the proposed amendment. The Commission is proposing to amend its regulations to retain the public notice provision but delete the opportunity for public intervention and comment. The Commission is proposing this action because the scope of public comment appropriate for an action of this type is so restricted that the opportunity for public comment is unnecesssry.

DATE: Comment period expires August 23, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit written comments and suggestions on the proposal to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Eric E. Jakel, Esq., Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 492-8691.

SUPPLEMENTARY INFORMATION: On April 7, 1960, the Atomic Energy Commission published in the **Federal Register** (25 FR 2999) proposed amendments to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements." Among other things the notice proposed an amendment to establish the form of indemnity agreement which the Commission would execute with licensees furnishing insurance policies as proof of financial protection (10 CFR 140.92, Appendix B). The proposed rule did not contain any provisions such as those now present in § 140.9. After consideration of public comments and other relevant information, on April 22, 1961, the Commission published a final rule (26 FR 3455) setting forth, *inter alia*, the specific provisions of Appendix B. Through this same notice the Commission adopted § 140.9 in a form identical to its present form. Currently, § 140.9 provides:

§ 140.9 Modifications of indemnity agreements.

The Commission will publish in the **Federal Register** a notice of the intent to enter into an indemnity agreement, or agreement amending an indemnity agreement, which contains provisions different from the form of the

applicable indemnity agreement set forth in the appendices to this part, as such appendices may be amended from time to time. Such notices will provide at least a fifteen day period following the date of publication in the **Federal Register** in which interested persons may file petitions for leave to intervene with respect to the proposed agreement.

Since the Commission adopted § 140.9 over 20 years ago, this section has only been used twice in situations involving nuclear power plants (and the Standard Form indemnity agreements contained in the Appendices to 10 CFR Part 140). In both instances an NRC licensee requested Commission approval of a plan to move spent fuel from one of its nuclear power facilities to a different nuclear power facility (for which it was also the licensee). The request involved the transportation of spent fuel from the first facility to the second facility, storage of the spent fuel at the second facility, and Commission extension of indemnity coverage to the storage of this spent fuel at the second facility. The first instance involved Commission approval of a request by Carolina Power and Light Company to transport spent fuel generated at its H. B. Robinson facility to its Brunswick facility for the purpose of storage and to have the storage indemnified (42 FR 44617, September 6, 1977). The second instance involved Commission approval of a similar request by Duke Power Company with respect to its Oconee and McGuire facilities (46 FR 55024, November 5, 1981).

To ensure that the fuel irradiated at the first reactor would be covered by Price-Anderson Act indemnity during storage at the second reactor, the NRC had to make a minor modification to the definition of "radioactive material" in Article I, paragraph 9, of the indemnity agreement applicable to the storing reactor. (See 10 CFR 140.92, Appendix B.) However, under the existing provisions of § 140.9, the Commission must publish notice of the specific amendment and allow 15 days for interested persons to file petitions for leave to intervene with respect to the proposed agreement, even where it makes only a small change of several words in the standard form of indemnity agreement.

The Commission has interpreted § 140.9 to mean that it only need solicit and consider written public comments on whether the language proposed to modify the indemnity agreements effectively implements the Commission's policy decision to exercise its discretionary authority to extend Price-Anderson indemnity coverage in any given situation. See 42 FR 44617, September 6, 1977; 46 FR 55024, November 5, 1981. Comments addressing any other issue are not considered relevant.

Because granting a hearing or requesting public comment on such an insubstantial point as the precise wording of an amendment to the standard indemnity agreement is not meaningful, the Commission is proposing to delete the second sentence of this as unnecessary.

This does not affect an interested person's opportunity to comment on health and safety aspects of the underlying activity. To the extent an amendment to the indemnity agreement reflects a change in the underlying activity, there will be an opportunity to raise issues in the context of a proceeding to amend the facility or material licenses. For example, in the situations described above, the separate proceedings to amend the appropriate facility and material licenses provided an opportunity to discuss whether the spent fuel generated at one reactor site could be transported to and stored at a second reactor site without unduly endangering the public health and safety.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the NRC has made a determination that this proposed rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule affects the licensing and operation of nuclear reactors. The companies and institutions that own these reactors do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or in the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since the companies that will be affected by this rule are dominant in their service areas, this rule does not fall within the purview of the Act.

List of Subjects in 10 CFR Part 140

Extraordinary nuclear occurrence, Insurance, Intergovernmental relations, Nuclear materials, nuclear power plants and reactors, Penalty, Reporting requirements.

Proposed Rule Change

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 140, is contemplated.

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

1. The authority citation for Part 140 is revised to read as follows:

Authority: Secs. 161, 170, 68 Stat. 948, 71 Stat. 576, as amended (42 U.S.C. 2201, 2210); secs. 201, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 140.11(a), 140.12(a), 140.13 and 140.13a are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and § 140.6 is issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

§§ 140.2, 140.3, 140.5, 140.6, 140.7, 140.10, 140.11, 140.13a, 140.14, 140.18, 140.20, 140.21, 140.22, 140.91, 140.92, 140.93, 140.94, 140.95, 140.107, 140.108 [Amended]

2. Remove the authority citations following §§ 140.2, 140.3, 140.5, 140.6, 140.7, 140.10, 140.11, 140.13a, 140.14, 140.18, 140.20, 140.21, 140.22, 140.91, 140.92, 140.93, 140.94, 140.95, 140.107, and 140.108.

3. Section 140.9 is revised to read as follows:

§ 140.9 Modification of indemnity agreements.

The Commission will publish in the **Federal Register** a notice of the intent to enter into an indemnity agreement, or agreement amending an indemnity agreement, which contains provisions different from the form of the applicable indemnity agreement set forth in the appendices to this part, as such appendices may be amended from time to time.

Dated at Washington, D.C., this 19th day of July, 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82–20006 Filed 7–22–82; 8:45 am]

BILLING CODE 7590–01–M

INTERNATIONAL COMMUNICATION AGENCY

22 CFR Part 503

Fees; Schedules of Standard Fees

AGENCY: International Communication Agency.

ACTION: Proposed rule.

SUMMARY: In consideration of inflationary cost increases during the six years since the present fees were established, the International Communication Agency proposes to amend its Freedom of Information Act (5 U.S.C. 552) "Schedule of Standard Fees" published in the **Federal Register** on August 23, 1976 (41 FR 35480).

DATE: Comments should be received by August 19, 1982.

ADDRESS: Send all comments on the proposed amendment to: Director, Office of Public Liaison, International Communication Agency, Room 1019, 1750 Pennsylvania Avenue, N.W., Washington, D.C. 20547.

FOR FURTHER INFORMATION CONTACT: Charles Jones, Jr., Freedom of Information/Privacy Acts Coordinator, Office of Administration, at (202) 724–9089.

SUPPLEMENTARY INFORMATION:

E.O. 12291 Federal Regulation

USICA has determined that this is not a major rule for the purposes of E.O. 12291 Federal Regulation, because it will not result in:

1. An annual effect on the economy of $100 million or more;

2. A major increase in costs or prices for consumers, individuals industries, Federal, State, or local government agencies, or geographic regions; or

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

List of Subjects in 22 CFR Part 503

Freedom of information.

Dated: July 19, 1982.

Charles Z. Wick,

Director, International Communication Agency.

PART 503—AVAILABILITY OF RECORDS

The Agency proposes to amend 22 CFR Chapter V, Part 503, by revising § 503.6(c)(1)(ii) to read as follows:

* * * * *

§ 503.6 Availability of records.

(c) * * *

(1) * * *

(ii) Searching for records per hour—$8.00 for clerical personnel; $15.00 for supervisory personnel. No fees will be charged for searches of one hour or less.

* * * * *

[FR Doc. 82-19938 Filed 7-22-82; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-2-82]

Deposits of Individual Estimated Tax; Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations which would require individuals to deposit their estimated income tax payments through the Federal Tax Deposit (FTD) system instead of forwarding them to an Internal Revenue Service Center. The regulations would affect individuals required to pay estimated tax and financial institutions which are authorized depositaries for Federal taxes. The regulations would improve the efficiency of the administration of Federal tax laws.

DATES: Written comments and requests for a public hearing must be delivered or mailed by September 20, 1982. The amendments are proposed to be effective with respect to taxable years beginning after December 31, 1982.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–2–82), 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

ADDRESS INQUIRIES TO: John A. Tolleris of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains a proposed amendment to the Income Tax Regulations under section 6302 (c) of the Internal Revenue Code of 1954. The amendment is proposed to be issued under the authority of sections 6302 (c) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 775, 26 U.S.C. 6302 (c); 68A Stat. 917, 26 U.S.C. 7805).

Explanation of Provisions

The proposed amendment would, if promulgated as a Treasury Decision, require individual taxpayers to deposit their estimated income and self-employment tax payments with a Federal Reserve bank, a commercial bank, or other depositary institution authorized to receive deposits of Federal taxes, instead of mailing such payments to an Internal Revenue Service Center as is presently required.

Individuals may satisfy the new requirement by sending their estimated taxes to the authorized depositary institution by mail postmarked 2 days prior to the due date. The payment must be made in cash, by postal money order, or by a check drawn on the depositary bank.

An exception to the new deposit requirement is provided for individuals who never before were required to make estimated tax payments, or who are required to pay estimated tax for the first time in more than a year. Such individuals may forward the first installment of estimated tax to their Internal Revenue Service Center. It is anticipated that the Center will then provide the taxpayer with forms and instructions needed to pay subsequent installments of estimated tax by deposit.

Another exception to the deposit requirement is provided for individuals who reside outside the United States.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this proposed regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this notice of proposed rulemaking as it will not have a significant economic impact on a substantial number of small entities. The regulations affect primarily individual taxpayers and do not significantly increase the recordkeeping duties of small entities, which will receive compensation for their services.

Comments and Requests for a Public Hearing

Before the adoption of these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any

person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is John A. Tolleris of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.6302–1–1.6302–2

Income taxes, Administration and procedure, Tax depositaries.

Proposed Amendments to the Regulations

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

The proposed amendments to 26 CFR Part 1 are as follows:

The Income Tax Regulations are amended by adding a new § 1.6302–3 immediately following § 1.6302–2. The added provisions read as follows:

§ 1.6302–3 Use of Government depositaries in connection with individual estimated taxes.

(a) *Requirement.* For taxable years beginning after December 31, 1982, except as provided in paragraph (e) of this section, an individual shall deposit with a Federal Reserve bank or an authorized financial institution described in section 6302 (c) all payments of estimated tax required to be paid by section 6153 on or before the date otherwise prescribed for paying such tax. The requirements of this paragraph do not apply to an individual whose tax home is in a foreign country and who otherwise meets the qualifications described in section 911 (d) (1).

(b) *Depositary forms.* A deposit required to be made by this section shall be made separately from a deposit required by any other section. Each remittance shall be accompanied by a Federal Tax Deposit, Estimated Individual Tax form (Form 502) which shall be prepared in accordance with the instructions relating to Form 502. The remittance, together with Form 502, shall be forwarded to a Federal Reserve bank or to a financial institution authorized in accordance with Treasury Department Circular No. 1079, 31 CFR Part 214, to accept remittances of Federal taxes for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date of receipt by a Federal Reserve bank or by an authorized financial insitution, whichever is earlier; however, if the deposit is mailed to the Federal Reserve bank or authorized financial insititution, the date of deposit will be determined in accordance with section 7502 (e). Each individual making deposits pursuant to this section shall report on the form for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return or declaration. Amounts deposited under this section shall be considered as payment of the estimated tax.

(c) *Procurement of the prescribed forms.* Copies of Form 502, the Federal Tax Deposit, Estimated Individual Tax form will so far as possible be furnished individual taxpayers. However, unless the exception provided in paragraph (e) of this section applies, an individual will not be excused from making a deposit by the fact that no form has been furnished to him or her. Individuals not supplied with the proper forms should make application for them in ample time to make the required deposits by the time prescribed in section 6153. An individual may obtain the forms by applying for them with the district director or the director of a service center, and providing with the application his or her name, social security account number, address, and the taxable year to which the deposits will relate.

(d) *Failure to deposit.* For provisions relating to the penalty for failure to make a deposit within the prescribed time, see § 301.6656–1 of this chapter (Regulations on Procedure and Administration).

(e) *Exception for first-time estimated tax payment.* If an individual establishes to the satisfaction of the Commissioner that he was not required (without taking this exception into account) to make a deposit pursuant to this section with respect to each preceding quarter of the current taxable year and with respect to each quarter of the prior taxable year, he shall make his estimated tax payment required to be made by section 6153 by forwarding it with his declaration of estimated tax on Form 1040–ES in accordance with the instructions relating to Form 1040–ES on or before the date otherwise prescribed for paying such tax.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82–19795 Filed 7–19–82; 11:57 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Public Comment Procedures and Opportunity for Public Hearing on Modified Portions of the Kentucky Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of certain program amendments submitted by them State of Kentucky as modifications to the Kentucky Permanent Regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). These amendments are submitted (1) to satisfy conditions imposed by the Secretary of the Interior on the approval of the Kentucky program, and (2) as further modifications to the Kentucky program.

This notice sets forth the times and locations that the Kentucky program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATE: Written comments must be received on or before 4:00 p.m., August 23, 1982, to be considered.

A public hearing on the proposed modifications has been scheduled for August 12, 1982 from 7:00 p.m. to 9:00 p.m., or until all comments have been heard.

Any person interested in making an oral or written presentation at the hearing should contact W. H. Tipton at the address and phone number listed below by August 9, 1982. If no person has contacted Mr. Tipton to express an interest in participating in the hearing by August 9, 1982, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register.**

ADDRESSES: Written comments should be mailed or hand delivered to: W. H. Tipton, Director, Kentucky Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.

A public hearing will be held at the Harley Hotel, 2143 North Broadway, Lexington, Kentucky, 40505.

Copies of the Kentucky program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Kentucky State Office and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Kentucky Field Ofice, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.

Bureau of Surface Mining, Reclamation and Enforcement, Capitol Plaza Tower, Third Floor, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: W. H. Tipton, Director, Kentucky Field Office, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504, Telephone: (606) 233–7320.

SUPPLEMENTARY INFORMATION: On December 30, 1981, Kentucky resubmitted its proposed regulatory program to OSM. On April 1,3, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of twelve minor deficiences. The approval was effective upon publication of the notice of conditional approval in the May 18, 1982, **Federal Register** (47 FR 21404–21435).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Kentucky program can be found in the May 18, 1982, **Federal Register** notice (47 FR 21404–21435).

Deficiencies (b) and (c) of the Kentucky program for which the Secretary required correction as conditions of approval were as follows:

b. Kentucky did not have fully promulgated regulations providing for citizens to accompany State inspectors onto a mine site consistent with 30 CFR Part 842.

c. Kentucky did not have fully promulgated regulations providing adequate public participation in the cumulative bond crediting process in accordance with SMCRA section 519.

Submission of Material to Satisfy Conditions

In accepting the Secretary's approval, Kentucky agreed to correct deficiencies (b) and (c) by October 31, 1983. Kentucky submitted material to OSM on May 26, 1982, to correct deficiencies (b) and (c) as follows:

(b) Kentucky adopted 405 KAR 12:030 section 4 to provide for citizens to accompany State inspectors onto a mine site.

(c) Kentucky deleted 405 KAR 10:010 section 3(2) and 10:040 section 1(7) to eliminate the cumulative bond crediting process. Further, Kentucky amended 405 KAR 10:030 section 2(3), and 10:040, "Necessity and Function" and sections 1 and 2 to conform to these deletions.

The Secretary seeks public comment on whether the provisions submitted correct the deficiencies for these 2 conditions. If the program amendments are approved, conditions (b) and (c) in 30 CFR 917.11 will be removed.

Submission of Additional Program Amendments

On May 26, 1982, OSM received from the Commonwealth of Kentucky, pursuant to the 30 CFR 732.17 procedures, the following proposed revisions to the State program, which state that they became effective on the date Kentucky received primacy:

1. An addition to 405 KAR 7:020 section 1(11) to include in the definition of "auger mining" the phrase, "* * * and shall also include all other such methods of mining in which coal is extracted from beneath the overburden by mechanical devices located at the face of the cliff or highwall and extending laterally into the coal seam, such as extended depth, secondary recovery systems."

2. An amendment to 405 KAR 7:020 section 1(70) to change the definition of "operator" to, "any person, partnership or corporation engaged in surface coal mining and reclamation operations."

3. An amendment to 405 KAR 7:020 section 1(86) to change the definition of "principal shareholder" to, "any person who is the record or beneficial owner of ten (10) percent or more interest of the applicant."

4. An addition to 405 KAR 7:020 section 1(117) in the definition of "surface coal mining operations" to exclude from such definition, "the extraction of, or intent to extract, 250 tons or less of coal by any person by surface coal mining operations with twelve (12) successive calendar months."

5. An amendment to 405 KAR 7:030 section 1 to change the applicability section to state: "Title 405, Chapter 7 through 24 apply to all coal exploration and surface coal mining and reclamation operations, except surface coal mining and reclamation operations of two (2) acres or less which are exempt from the requirements of SMCRA."

6. In 405 KAR 7:040 section 5(1), an amendment to delete the words, "Division of Water," after the word, "department."

7. Amendments to 405 KAR 7:040 section 10(2):

a. Delete the phrase, "and appropriate direct participation and/or supervision by the registered professional engineer," and replace it with the phrase, "and standard practice as it relates to direct participation by the registered professional engineer or supervision of the registered professional engineer's employees or subordinates."

b. Delete the phrase, "or assume any liability other than that normally incurred in the practice of engineering," in the second sentence.

8. An amendment to 405 KAR 7:040 section 10(7) to delete the requirement that certifications by registered professional engineers be notarized.

9. An addition to 405 KAR 7:090 section 4(1) to clarify that a preliminary hearing need not be scheduled if it is waived.

10. An amendment to 405 KAR 7:090 section 4(6) to give a person to whom a notice or order was issued, 15 days from the mailing of the proposed penalty assessment to waive the preliminary hearing and request a formal hearing.

11. An amendment to 405 KAR 7:090 section 6 to provide a 15 day period during which a local preliminary hearing may be requested.

12. An addition to 405 KAR to create a new part, 7:095, Assessment of Civil Penalties. This new part contains, inter alia, the State's proposed penalty assessment guidelines at § 731.14(g)(4–7)(15) of the Kentucky resubmission.

13. An amendment to 405 KAR 8:010 section 6(1) to delete the different requirements applicable to "small operators" (as defined by KRS 350.450(4)(d) for the payment of permit application fees.

14. An amendment to 405 KAR 8:010 section 6(2) to increase the permit application fee for applications submitted after July 15, 1982, to $375 plus $75 for each acre or fraction thereof of the area of land to be affected under the permit.

15. Amendments to 405 KAR 8:010 section 13(1) to:

a. Decrease from 15 to 10 the number of days from initial receipt of the application by which the department

shall notify the applicant of the initial completeness of the application, and

b. Explain the department's procedures if an application is determined to be incomplete.

16. An amendment to 405 KAR 8:010 section 20(5), regarding permit revisions, to conform the fees therefor to the amendment to 405 KAR 8:010 section 6(2), above.

17. An amendment to 405 KAR 8:010 section 21(2)(a)(4), regarding permit renewals, to conform the fees therefor to the amendment to 405 KAR 8:010 section 6(2), above.

18. An amendment to 405 KAR 8:010 section 21(2)(b)(1) to delete the phrase, "except that the time for the initial completeness determination shall be ten (10) days."

19. An amendment to 405 KAR 8:010 section 22(1) and 22(2)(a) to change the word "chapter" to "Title."

20. An amendment to 405 KAR 8:010 section 222(a)(2), regarding the transfer, assignment or sale of permit rights, to conform the fees therefor to the amendment to 405 KAR 8:010 section 6(2), above.

21. An amendment to 405 KAR 8:010 section 22(2)(c)(1) to delete the existing language and replace it with the following: "The person seeking approval would be eligible to receive a permit in accordance with the criteria specified in section 14."

22. Amendments to 405 KAR 8:010 section 22, to create the following 3 new subsections:

a. Section 22(4), regarding proof of transfer, sale or assignment of permit rights.

b. Section 22(5), regarding release of bond liability.

c. Section 22(6), regarding interim program permits.

23. An amendment to 405 KAR 8:020 section 2(2)(h) to increase the fee for exploration to $375 after July 15, 1982.

24. An amendment to 405 KAR 8:030 section 23(4) and 8:040 Section 23(4) to add the following sentence: "The qualified registered professional engineer shall not be required to certify true ownership of property."

25. Amendments to 405 KAR 8:050 section 2, regarding permitting augering operations, as follows:

a. Combine existing subsections (1)–(3) into a general subsection (1).

b. Add a description of the application requirements, and the criteria used to determine whether a permit shall be issued.

26. Amendments to 405 KAR 12:010 section 3(5) (a) and (b) to delete the phrase, "under its jurisdiction," and replace it with the phrase, "permitted under Title 405, Chapter 8."

27. An amendment to 405 KAR 16:020 to delete the existing sections 4 and 5 regarding time extensions due to adverse conditions, and replace it with a new Section 4 describing the conditions for allowing a permittee to defer coal removal and contemporaneous reclamation requirements.

28. An amendment to 405 KAR 16:140 section 2(1)(d) to add the following sentence: "The resoponsible registered professional engineer shall certify to the department within two (2) weeks after each inspection that the coal processing waste bank has been constructed as specified in the design approved by the department."

29. An amendment to 405 KAR 16:190 section 2(2) to create a new subsection (c), regarding backfilling and grading where the permittee is conducting augering operations on previously mined lands.

30. An amendment to 405 KAR 18:140 section 2(1)(d) to add the same sentence as the amendment to 405 KAR 16:140 section 2(1)(d), above.

31. An amendment to 405 KAR 24:020 section 3(7) and section 4(6) and 24:030 section 3(5) to delete the term, "supporting evidence," and replace it with the term, "objective evidence."

32. Amendments to 405 KAR 24:030 section 4(4) as follows:

a. To require a notarized signature by an intervenor in subsection (a).

b. To delete the term, "supporting evidence," and replace it with the term, "objective evidence," in subsection (d).

33. An amendment to 405 KAR 24:030 to create a new section 9 and delete existing section 8(7), describing the administrative and judicial review of decisions on petitions to designate lands unsuitable for surface mining operations.

34. An amendment to 405 KAR 1:005, to create a new section 6 which states, "The hearing provisions of this chapter shall apply to the resolution of all notices and orders that were issued by the department prior to the date of primacy as defined in 405 KAR 7:020E."

35. An amendment to 405 KAR 3:005 to create a new section 6 which states, "The hearing provisions of this chapter shall apply to the resolution of all notices and orders that were issued by the department prior to the date of primacy as defined in 405 KAR 7:020E."

36. An amendment to the Kentucky Revised Statues (KRS), contained in House Bill No. 19, as follows (language bracketed by arrows is to be added):

Section 1. A New Section of KRS Chapter 350 is Created to Read as Follows:

►All bonds required to be filed in accordance with KRS 350.060 and KRS 350.064 shall not be required to be filed until the applicant for the permit has been notified in writing by the department that the application for the permit has been approved, with the exception of the bond.◄

37. An amendment to KRS 350.010, contained in Senate Bill No. 267, changing the definition of "surface coal mining operations," to include "extended depth secondary recovery systems" within such definition.

38. Amendments to the KRS, contained in Senate Bill No. 380, as follows:

a. Section 1. KRS 350.425 is amended to add the following sentence at the end: "The Kentucky bureau of surface mining through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream, which structures or obstructions are permitted under this chapter."

b. Section 2. KRS 151.250 is amended to add the following sentence at the end of Subsection (3): "The Kentucky bureau of surface mining through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations."

39. Amendment, to the KRS, contained in Senate Bill No. 165, as follows (language bracketed by arrows is to be added, and bracketed language is to be deleted):

a. Section 1. KRS 350.035 is amended to read as follows:

(1) * * * The secretary may divide the bureau into a division of permits, division of standards and specifications, division of operations and enforcement, ►an office of special investigation,◄ [division of orphan land reclamation,]
* * *

(2) ►The secretary shall have the power to appoint not more than fifteen (15) special investigations officers who shall be peace officers except for purposes of KRS 527.020. Such peace officers shall be responsible for enforcement of the provisions of KRS

Chapter 350 relating to criminal offenses.◄

b. Section 2. KRS 350.035 (1980 Acts, Chapter 377, Section 2, effective on primacy) is amended to read as follows:

(1) There is established * * * The secretary may divide the bureau into a division of permits, division of standards and specifications, division of operations and enforcement, ►an office of special investigations,◄ [division of orphan land reclamation,] * * *

(2) ►The secretary shall have the power to appoint not more than fifteen (15) special investigations officers who shall be peace officers except for purposes of KRS 527.020. Such peace officers shall be responsible for enforcement of the provisions of KRS Chapter 350 relating to criminal offenses.◄

c. Section 3. KRS 350.990 is amended to read as follows:

(2) Any person who engages in strip mining ►operations◄ without first securing a permit, as provided in KRS 350.060, or any person who engages in ►coal exploration◄ operations, ►exclusive of core drilling,◄ without proper authorization, which shall not be construed to mean permits, as required by the department pursuant to ►KRS 350.057 or regulations promulgated pursuant thereto, or any person who engages in mining operations, without proper authorization as required by the department pursuant to KRS 350.029 or regulations promulgated pursuant thereto,◄ [KRS 350.151] shall be liable * * * However, the penalties provided for in subsection (1) of this section shall apply in lieu of the penalties provided for in this subsection where an operator through inadvertence has exceeded the boundaries ►or expiration date◄ of the permit in effect at that time.

* * * * *

(5) Any person who, in violation of KRS 350.060, willfully and knowingly engages in strip mining ►operations◄ without first obtaining a permit from the department or any person who willfully and knowingly engages in ►coal exploration◄ operations, ►exclusive of core drilling,◄ without proper authorization, which shall not be construed to mean permits, as required by the department pursuant to ►KRS 350.057 or regulations promulgated pursuant thereto, or any person who willfully and knowingly engages in mining operations without proper authorization as required by the department pursuant to KRS 350.029 or regulations promulgated pursuant thereto,◄ [KRS 350.151] with the intent to violate such laws shall be guilty of a Class ►D felony◄ [A misdemeanor] and upon conviction thereof shall be imprisoned for ►at least one (1) but not more than five (5) years and may be fined an amount not to exceed ten thousand dollars ($10,000)◄ [a term of up to one (1) year].

d. Section 4. KRS 350.990 (1980 Acts, Chapter 377, Section 3, effective on primacy) is amended to read as follows:

(2) Any person who engages in surface coal mining ►operations◄ without first securing a permit, as provided by KRS 350.060, or any person who engages in ►coal exploration◄ operations, ►exclusive of core drilling,◄ without proper authorization, as required by the department pursuant to ►KRS 350.057 or regulations promulgated pursuant thereto, or any person who engages in mining operations, without proper authorization as required by the department pursuant to KRS 350.029 or regulations promulgated pursuant thereto,◄ [KRS 350.151] shall be liable * * * However, the penalties provided for in subsection (1) of this section shall apply in lieu of the penalties provided for in this subsection where an operator through inadvertence has exceeded the boundaries ►or expiration date◄ of the permit in effect at that time.

* * * * *

(5) Any person who, in violation of KRS 350.060, willfully and knowingly engages in surface coal mining ►operations◄ without first obtaining a permit from the department or any person who willfully and knowingly engages in ►coal exploration◄ operations, ►exclusive of core drilling,◄ without proper authorization, as required by the department pursuant to ►KRS 350.057 or regulations promulgated pursuant thereto, or any person who willfully and knowingly engages in mining operations without proper authorization as required by the department pursuant to KRS 350.029 or regulations promulgated pursuant thereto,◄ [KRS 350.151] with the intent to violate such laws shall be guilty of a Class ►D felony◄ [A misdemeanor] and upon conviction thereof shall be imprisoned for ►at least one(1) but not more than five (5) years and may be fined an amount not to exceed ten thousand dollars ($10,000)◄ [a term of up to one (1) year].

e. A new section of KRS Chapter 350 is created to allow the secretary of the department to appoint officers to deal with criminal violations. This section describes such officers' authority and their qualifications.

f. A new section of KRS Chapter 350 is created to allow the seizure by the department of all instrumentalities used in the mining of coal without a permit.

g. A new section of KRS Chapter 350 is created to establish an "illegal mining reclamation fund", consisting of monies from the sale or forfeiture of all instrumentalities used in the mining of coal without a permit. The section describes the permissible uses of such monies.

40. Amendments to the KRS, contained in Senate Bill No. 218, as follows (language bracketed by arrows is to be added, and bracketed language is to be deleted):

a. Section 1, KRS 350.010, 1980 Acts Chapter 62, Section 1, operative on approval of primacy, is amended to read as follows:

As used in this chapter unless the context requires otherwise:

(1)"Surface coal mining operations" means activities conducted on the surface of lands in connection with a surface coal mine [or subject to the requirements of this chapter] and surface impacts incident to an underground coal mine. * * * Such activities shall not include the extraction of coal by a landowner * * *; ►or the extraction of, or intent to extract, two hundred fifty (250) tons or less of coal by any person by surface coal mining operations within twelve (12) successive calendar months. * * *◄

(2) "Strip mining" means * * *; but shall not include * * *; ►the extraction of, or intent to extract, two hundred fifty (250) tons or less of coal by any person by surface coal mining operations within twelve (12) successive calendar months;◄ * * *

* * * * *

(4) "Overburden" means ►material of any nature, consolidated or unconsolidated, excluding topsoil,◄ [all of the earth and other materials] which ►lies◄ [lie] above a natural deposit of coal and also means such [earth and other] material after removal from ►its◄ natural state in the process of surface coal mining;

(5) "Area of land affected" means ►any area of land or water upon which surface coal mining and reclamation operations are conducted or located or are to be conducted or located◄ [the area of land from which overburden is to be or has been removed and upon which the overburden is to be or has been deposited and shall include all lands affected by the construction of new roads or the improvement or use of existing roads other than public roads, to gain access and to haul coal];

* * * * *

(8) "Operator" means any person, partnership or corporation engaged in surface coal mining and reclamation operations [who removes or intends to remove more than two hundred fifty (250) tons of coal from the earth by surface coal mining within twelve (12) successive calendar months or who removes overburden for the purpose of determining the location, quality or quantity of a natural coal deposit];

* * * * *

(17) ►"Certification" by a qualified registered professional engineer as required by this chapter and regulations promulgated hereunder means a good faith representation to the best of his or her knowledge and belief, based on adequate knowledge of the requirements of this chapter and regulations promulgated hereunder, related experience, best professional judgment, accepted engineering practices and recognized professional standards, and standard practice as it relates to direct participation by the registered professional engineer or supervision of the registered professional engineer's employees or subordinates. Such certification shall not be construed to constitute a warranty or guarantee.◄

b. Section 2. KRS 350.028, 1980 Acts Chapter 62, section 3, operative on approval of primacy, is amended to read as follows:

(3) To issue after ►an opportunity for◄ a hearing, suspension orders or ►show cause◄ orders requiring an operator to adopt such remedial measures as are necessary to comply with this chapter and regulations adopted pursuant thereto, ►provided that failure to attend a hearing shall be excused for good cause shown;◄

(4) To issue after ►an opportunity for◄ a hearing, a final order imposing civil penalties for violations of this chapter or directing the Kentucky bureau of surface mining reclamation and enforcement to revoke a permit, when the requirements set forth by the notice of noncompliance, order of ►cessation◄ [suspension], or an order of the department requiring remedial measures have not been complied with according to the terms therein, provided that the secretary or his authorized representatives determine that a pattern of violations of the requirements of this chapter or any permit conditions required by this chapter exist or have existed and if the secretary or his authorized representatives also find that such violations are caused by the unwarranted failure of the permittee to comply with any requirements of this chapter or any permit conditions or that such violations are willfully caused by the permittee, ►provided further that failure to attend a hearing shall be excused for good cause shown;◄ and

(5) To adopt rules * * * ►provided further that nothing in this chapter shall be construed as superseding, amending, modifying, or repealing any of the acts listed in section 702(a) of Pub. L. 95–87, or any rule or regulation promulgated thereunder.◄

c. Section 3. KRS 350.060, 1980 Acts Chapter 62, section 5, operative on approval of primacy, is amended to read as follows:

(3) * * * [The department shall not accept interim permit applications after August 1, 1980 or after December 1, 1980 if the United States secretary of the interior has not approved the commomwealth's permanent regulatory program by September 3, 1980. The department shall receive and act on all substantially complete permit applications tendered to it on or before August 1, 1980 or December 1, 1980, whichever date is applicable, under the interim program.]

* * * * *

(5)(g) Whether or not the applicant is in compliance with subsection (3) of KRS 350.130 and whether or not every officer, partner, director or any individual owning of record or beneficially (alone or with associates) *a* [if known,] ten percent (10%) or more *interest* [of any class of stock] of the applicant, is subject to any of the provisions of subsection (3) of KRS 350.130 and he shall so certify;

* * * * *

(8)(a) Be prepared and certified by a professional engineer, registered under the provisions of KRS Chapter 322. The certification shall be in the form as provided in subsection (10) below, ►except that the engineer shall not be required to certify the true ownership of property under paragraph (d) of this subsection;◄

(b) Identify the area to correspond with the application;

(c) Show adjacent deep mining; [and]

(d) ►Show◄ the boundaries of surface properties and names of owners on the affected area and adjacent to any part of the affected area;

d. Section 3. KRS 350.060, 1980 Acts Chapter 62, section 5, operative on approval of primacy, is further amended by relettering existing subsections (8)(d)–(h) as subsections (8)(e)–(i).

e. Section 3. KRS 350.060, 1980 Acts Chapter 62, section 5, operative on approval of primacy is further amended to read as follows:

(10) All certifications required by this chapter to be made by professional engineers [shall state that the information or documentation contained in the application is correct, and shall show that to the best of his or her knowledge and belief all the information required by the applicable laws and regulations of this state is included. The certification shall be signed and notarized. The department may reject any document or map as incomplete if its accuracy is not so attested. The certification] shall be done in the form prescribed by the department ►and shall be reasonably specific as to the work being certified. The department may reject any document or map as incomplete if it is not properly certified.◄

* * * * *

(14) * * * Where [a surface coal mining operation affects two (2) acres or less and] the circumstances are such as to warrant an exception, the department, in its discretion, may reduce the amount of the bond for a ►two (2) acre◄ [particular] operation to less than the required minimum.

(15) By adding the word "revegetation" after the phrase, "controlling offsite water quality," and before the phrase, "refuse piles," in the first sentence of subsection (15).

(16) The department shall * * * The department shall recognize the distinct differences between the surface effects of underground mining and ►strip◄ [surface coal] mining, as also provided in KRS 350.151, in promulgating permitting requirements for these operations; provided, that the department shall require, ►for underground mines that are greater than two (2) acres under subsection (15) of this section, that all of the areas overlying underground workings be permitted but that the areas overlying◄ [overlaying] underground workings not affected by ►operations and facilities occurring on the surface◄ [the operation be permitted only for purposes of subsidence control and] shall not be subject to the payment of acreage fees or bond requirements of subsection (14) of this section ►or of KRS 350.151; provided, however, that applications for operations of two (2) acres or less filed under subsection (15) of this section shall clearly identify the boundaries of the proposed deep mine operation.◄

* * * * *

(21) ►Each application for a permit or revision for auger mining on a previously mined area must contain information to describe the area to be affected, to show that the proposed method of operation will result in stable post-mining conditions, and reduce or eliminate adverse environmental

conditions created by previous mining activities. If the department determines that the affected areas cannot be stabilized and reclaimed subsequent to augering or that the operation will result in an adverse impact to the proposed or adjacent area, the permit or revision shall not be issued. The department shall, consistent with all applicable requirements of KRS Chapter 350, issue a permit or revision if the applicant demonstrates that the proposed coal mining operations will provide for reduction or elimination of the highwall, or reduction or abatement of adverse impacts resulting from past mining activities, or stabilization or enhancement of a previously mined area. The department shall insure that all reasonably available spoil material will be used to backfill the highwall to the extent practical and feasible; provided, however, that in all cases the holes be properly sealed and backfilled to a minimum of four (4) feet above the coal seam being mined.◄

(22) ►All operations involving the crushing, screening, or loading of coal which do not separate the coal from its impurities, and which are not located at or near the mine site, shall be exempt from the requirements of this chapter.◄

f. KRS 350.062 is amended to read as follows:

(9) ►The department shall not arbitrarily deny or unreasonably delay any permit application based upon the information required in this section if the registered professional engineer or geologist or other qualified person has utilized or developed a procedure or analytical method that differs from departmental technical guidelines; provided, that the registered professional engineer or geologist or other qualified person shall design a sampling and testing program based on all available information and on a site-specific basis. The reasons for denial shall be given in writing and shall be reasonably specific. The requirements contained in subsection (3) of this section may be waived for locations where the department determines that adequate information is already available to the department.◄

g. Section 5. KRS 350.093, 1980 Acts, Chapter 62, section 10, operative on approval of primacy, is amended to add the following subsection:

(2) ►The department may allow an operator to defer contemporaneous reclamation requirements on specified areas if the operator can demonstrate that said deferment is necessary to address at least one (1) of the following:◄

(a) ►Adverse condition including weather, labor and other conditions clearly beyond the operator's control;◄

(b) ►Other bona fide mining operations carried out on a strip mined area, pursuant to KRS 350.080;◄

(c) ►Coal marketing problems. Application for a deferment pursuant to this section shall be in the form prescribed by the department. Approval of the deferment request shall be made in writing. The approval shall state that the deferment is justified and that no environmental damage will occur during the period of deferment. Reclamation deferments may be approved for a period reasonably related to the specified conditions justifying the deferment, but in no event shall the aggregate deferral period exceed thirty (30) months, nor shall the deferral extend beyond the expiration date of the permit. The department shall periodically reexamine and update the amount of the bond on the permit area so that the amount of the bond is sufficient to assure completion of reclamation if the work had to be performed by the department in the event of forfeiture.◄

Section 5 is further amended by changing all appropriate references and renumbering the subsections which follow subsection (2), above.

h. KRS 350.130, 1980 Acts Chapter 62, section 14, operative on approval of primacy, is amended to read as follows:

(1) When any of the requirements of this chapter or rules or regulations adopted pursuant thereto or the orders of the department have not been complied with, the department shall forthwith cause a notice of noncompliance to be issued upon the ►person or◄ operator * * * [where found necessary, the secretary shall after hearing (except as provided in KRS 224.071) order the suspension of a permit or operation.] Such notice or order shall be handed to the person in charge of the operation, and the operator ►or person engaged in coal exploration operations◄ [in person] * * *. The notice of noncompliacne or order ►for immediate compliance and cessation◄ [of suspension] shall specify in what respects the ►person or◄ operator * * *. If the ►person or◄ operator has not reached an agreement with the department or has not complied with the requirements set forth in the notice of noncompliance or order ►for immediate compliance and cessation◄ [of suspension] within time limits set therein, the permit may be revoked or the operation terminated, after ►an opportunity for a◄ hearing, by order of the department and the performance bond, if any, shall then be forfeited to the department, except as provided in subsection (2) of this section and in KRS 350.110, ►provided that failure to attend a hearing shall be excused for good cause shown.◄

* * * * *

(4) [Whenever the secretary or authorized representatives of the department, purusant to the general authority of KRS 224.071, exercises, such authority to order the discontinuance, abatement, alleviation, or cessation of conditions or operations which present a danger to the health or welfare of the people or which result in or are likely to result in damage to natural resources or the environment]. In ►the◄ exercise * * *.

i. Section 7. KRS 350.450, 1980 Acts Chapter 62, section 33, operative on approval of primacy, is amended to read as follows:

(4)(a) ►Develop a simplied small operator permit application. The department shall notify all applicants of deficiencies in the form of the application by certified mail within ten (10) working days after the filing in the regional office. The applicant shall have ten (10) working days after the receipt of the notification to repair the deficiencies. Upon failure of the applicant to repair the deficiencies within ten (10) working days after receipt of the notification, the department may return the application as incomplete.◄ [Allow a small operator to pay the cost of the permit and acreage fees in not less than four (4) equal installments over the term of the permit].

[(b) Develop a simplied small operator permit application. The department shall notify the applicant of all deficiencies in the form of the application by certified mail within ten (10) working days after the filing. The applicant shall have ten (10) working days after the receipt of the notification to repair the deficiencies. Upon failure of the applicant to repair the deficiencies within the ten (10) working days after receipt of the notification, the department may return the application as incomplete.]

j. Section 8. KRS 350.610 is amended to read as follows:

(6) * * * Such a petition shall contain allegations of fact ►which shall be specific as to the petitioner's designated area and shall be based upon objective evidence which would tend to establish the allegations. The department shall make a determination or finding whether the petition is complete, incomplete or frivolous◄ [with supporting evidence which would tend to establish the allegations]. * * * ►Within thirty (30) days after receipt of

an order, determination, finding or decision by the department or the secretary hereunder, any applicant, or any person with an interest which is or may be adversely affected and who is aggrieved by the order, determination, finding or decision of the department or secretary may obtain judicial review thereof by appealing to the circuit court of Franklin County pursuant to the provisions of KRS 224.085.◄

k. Section 9. KRS 350.990, 1980 Acts Chapter 62, Section 35, operative on approval of primacy, is amended to read as follows:

(l) Any person or operator * * * section; provided, however, that any operator or person who fails to abate a violation noted in a notice of noncompliance ►or an order for immediate compliance and cessation◄ within the time period prescribed for such abatement * * * Each day of continuing violation may be deemed a separate violation for purposes of penalty assessment. ►The department shall develop a method for calculating monetary penalities and shall promulgate it as a regulation. The secretary or a designated representative, upon his or her own initiative or upon written request received within fifteen (15) days after the department mails its proposed penalty assessment, may waive the use of such method for calculating monetary penalties if he or she determines that, taking into account exceptional factors present in the particular case, the penalty is demonstrably unjust. The basic for every waiver shall be fully explained and documented in the records of the case. If the secretary or his or her designated representative waives the use of the formula, he or she shall determine the appropriate penalty upon consideration of the permittee's history of previous violations at the particular surface coal mining operation, the seriousness of the violation, whether the permittee was negligent, and the demonstrated good faith of the permittee charged in attempting to achieve rapid compliance after notificaiton of the violation * * *◄

(2) Any person who engages in surface coal mining ►operations◄ without first securing a permit, * * *

41. Amendments to KRS 350.060(9), 350.060 section 5(14), and Chapter 377 section 1(14), contained in House Bill No. 813, to increase the maximum allowable permit application fee to $375 plus $75 for each acre or fraction thereof of the area of land to be affected by the operation.

42. Amendments to KRS 350.139(2) and 350.139, Chapter 377 section 4(2), contained in Senate Bill No. 316, to read as follows (language bracketed by arrows is to be added, and bracketed language is to be deleted):

The state treasurer shall on or before August 1 of each year tranfer ►thirty-three and one-third percent (33⅓%)◄ [fifty percent (50%)] of all funds paid during the preceding fiscal year as fees for the issuance of any permit to strip mine to the fiscal courts of the county in which the permitted operation is located for the general purposes of that fiscal court.

The Secretary seeks public comment on these proposed amendments to the Kentucky program. If these amendments are approved, they will become part of the Kentucky program.

Submission of Proposed Program Corrections

On June 18, 1982, OSM received from the Commonwealth of Kentucky a letter attempting to clarify certain statements in the May 18, 1982, **Federal Register** (47 FR 21404–21435) notice announcing the approval of the State program. The letter makes the following points:

1. At the top of page 21434, middle column, the notice states that the deadline for correcting deficiency (d), relating to civil procedure guidelines, is September 30, 1982, when the actual date agreed upon was December 31, 1982.

2. On page 21428 of the notice in item No. 2 relating to Performance Standards, the Secretary indicates, in a response to a public comment, that plans prepared by a professional engineer under 405 KAR 16:140E section 6 and 18:140E section 6 for removal of burned coal processing waste must be certified by the engineer as being in accordance with sound engineering practice. Kentucky states that its regulations provede for no such certification.

3. Kentucky is concerned that in Finding 13.26 (47 FR 21413) and deficiency No. 1 (47 FR 21433), the Secretary does not make it clear that this deficiency exists only for permit areas larger than 40 acres.

4. On page 21426, in Item No. 3 relating to permitting, in response to a public comment, the Secretary defines "incidental boundary revisions" as incidental to whatever revision is being sought. Kentucky states that its Act allows boundary revisions incidental to the mining operation as a whole.

5. Kentucky is concerned that in Finding 18.8 (47 FR 21419), the Secretary gives an incorrect impression of the State's criteria for release of bond by increments. Kentucky states, that in incremental bonding the remaining bond amounts must be sufficient to insure reclamation on the remaining permit area as a result of setting initial bond amounts on individual increments sufficiently high to insure reclamation on those increments.

The Secretary seeks public comment on these clarifications of the Kentucky program.

Additional Information

Pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this proposed rule. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM exemption from sections 3, 4, 6 and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, these proposed program amendments are exempt from the preparation of a Regulatory Impact Analysis and regulatory review by OMB.

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

List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: July 16, 1982.

William B. Schmidt,

Acting Director, Office of Surface Mining.

[FR Doc. 82–19973 Filed 7–22–82; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 934

Permanent State Regulatory Program of North Dakota; Consideration of Modification of Deadline

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is considering modifying the deadline for North Dakota to meet one of the conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Based on a request of the State, the Secretary is proposing to extend the deadline for the State to resolve the condition until July 1, 1983.

DATE: Comments must be received by August 23, 1982 at the address below, no later than 5:00 p.m.

ADDRESS: Written comments must be mailed or hand-delivered to: Mr.

William Thomas, State Office Director, Office of Surface Mining Reclamation and Enforcement, Freden Building, P.O. Box 1420, Mills, Wyoming 82644.

FOR FURTHER INFORMATION CONTACT: Arthur Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The correction of each deficiency is a condition of the approval. The conditional approval terminates if the conditions are not met according to the schedule. The dates are established in consultation with the State based on its regulatory and administrative schedules.

The North Dakota program was conditionally approved on December 15, 1980 (45 FR 82241–82248). The Secretary's approval was conditioned on the State's correction of 13 minor deficiencies in its program by July 1, 1981. That deadline was later extended, upon the State's request, to January 1, 1983 (46 FR 54070–54071). In a letter to the Director dated June 14, 1982, the North Dakota Public Service Commission requested a further extension of that deadline to July 1, 1983, to meet condition "e" as listed at 30 CFR 934.11(e).

Copies of the State's letter of request and the above cited **Federal Register** notices will be available for public review during regular business hours at the location listed above under **"ADDRESS."**

Condition "e" stipulates that the Secretary's approval of the North Dakota program will terminate on January 1, 1983, unless North Dakota submits to the Secretary by that date copies of fully enacted regulations amending the North Dakota Administrative Code 69–05.2–10–03(i) to prohibit issuance of permits to any person with an outstanding violation or a pattern of violations outside of North Dakota in a same or similar manner as Section 510(c) of SMCRA, and 30 CFR 786.17, and 30 CFR 786.19(i) or otherwise amends its program to accomplish the same results.

The State indicated that satisfaction of condition "e" will require a statutory change in the North Dakota Century Code Chapter 38–14.1. The Commission indicated that it would draft the required change for consideration by the Legislative Assembly when it convenes in January 1983. Since statutory changes normally become effective on the first of July following legislative action, the State requested an extension to July 1, 1983, to meet condition "e" to allow time for the statutory change to take effect. In order for the change to become effective earlier, both houses of the State Legislature would have to pass emergency legislation by a two-thirds vote. In accordance with the State's request, the Secretary is proposing to allow North Dakota until July 1, 1983, to meet condition "e."

In light of the small number of permit applications expected to be reviewed and issued during the additional time the Secretary is proposing to allow the State to meet condition "e", the Secretary believes that extension of this deadline would not render the deficiency major. However, the Secretary specifically requests comments on whether the extension of the deadline would render the deficiency major, as that term is used under 30 CFR 732.17(i).

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Compliance with the Regulatory Flexibility Act.* The Secretary hereby determines that this proposed rule will not have a significant economic effect on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

3. *Compliance with Executive Order No. 12291.* Regulations concerning satisfaction of conditions of approval of State regulatory programs under SMCRA have been granted a categorical exemption from the requirement to prepare a Regulatory Impact Analysis.

List of Subjects in 30 CFR Part 934

Coal mining, Intergovernmenatal relations, Surface mining, and Underground mining.

Dated: July 20, 1982.

J. R. Harris,

Director.

[FR Doc. 82–20052 Filed 7–22–82; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 946

Surface Coal Mining Reclamation and Enforcement in Virginia: Review of State Program Amendments

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

ACTION: Reopening of public comment period.

SUMMARY: The Office of Surface Mining (OSM) is reopening the period for review and comment on the modifications by Virginia to its permanent program for the regulation of surface coal mining and reclamation in the State. Specifically, OSM is reopening the comment period to allow the public sufficient time to consider and comment on statutory and regulation revisions submitted by Virginia.

DATES: Written comments, data or other relevant information relating to Virginia's modifications to its program not received on or before 4:00 p.m., August 9, 1982 from date of publication will not necessarily be considered.

ADDRESSES: Written comments should be mailed or hand-delivered to: Ralph Cox, Field Office Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, Route 3, Box 183–C–1, Big Stone Gap, Virginia 24219, Telephone: (703) 523–4303.

Copies of the Virginia program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM offices and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, D.C.

Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 23219

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266

Virginia Division of Mined Land Reclamation, Drawer U, 630 Powell Avenue, Big Stone Gap, Virginia 24219

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Field Office Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, Route 3, Box 183–C–1, Big Stone Gap, Virginia 24219, Telephone: (703) 523–4303.

SUPPLEMENTARY INFORMATION: On April 26, 1982, at 47 FR 17827–17829, the Director, OSM, published notice of

public hearing and public comment period on the substantive adequacy of program amendments submitted by Virginia to satisfy two conditions imposed by the Secretary of the Interior on the approval of the Virginia program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The comment period closed on May 26, 1982.

A public hearing scheduled for May 12, 1982, was not held because no one expressed a desire to present testimony. On May 11, 1982, OSM published a notice in the **Federal Register** to cancel the public hearing (47 FR 20152–20153). The April 26, 1982 **Federal Register** notice announced receipt of program amendments relating to conditions "k" and "r". Condition "k" required Virginia to submit a revised policy clearly granting field inspectors the authority to issue immediate cessation orders for imminent danger or harm if they are unable to contact the supervisor or enforcement manager. The modification submitted by Virginia on January 28, 1982 (Administrative Record No. VA 376) to satisfy condition "k" will be the subject of a final rule to be published soon in the **Federal Register.**

Condition "r" required Virginia to submit a copy of revised policy statement or othrwise amend its program to make its coal haul roads policy consistent with the Federal requirements. In addition to the material submitted March 31, 1982 (Administrative Record No. VA 383), on July 9, 1982, Virginia submitted the following: (1) enacted regulations relating to performance standards for coal haul roads; (2) enacted legislation which repeals section 33.1–246.1 of the Virginia Code allowing deeding of haul roads to counties once the Secretary of the Interior has approved the Commonwealth's regulations to establish perfomance standards for haul roads; and (3) enacted legislation (Chapter 23 Title 45.1) restoring reclamation requirements for operations of two-acres or less (Administrative Record No. VA *400*). Also in the July 9, 1982 submission, Virginia included proposed regulations to implement Chapter 23, Title 45.1, which will control surface coal mining operations disturbing two acres or less. While these proposed regulations are not being formally reviewed for approval or disapproval, they are closely interwoven with the provisions to satisfy condition "r" and should be considered within the context of Virginia's provisions formally submitted to satisfy condition "r".

Thus, OSM is reopening the public comment period until 4:00 p.m. August 9, 1982 to allow the public time to review and comment on the above cited Administrative Record material relating to condition "r".

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the Surface Mining Control and Reclamation Act of 1977.

Dated: July 15, 1982.

William B. Schmidt,

Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 82–20014 Filed 7–22–82; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 950

Public Comment and Opportunity for Public Hearing on Modified Portions of the Wyoming Permanent Regulatory Program

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

ACTION: Proposed rule: Notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of program amendments intended to satisfy conditions imposed by the Secretary of the Interior on the approval of the Wyoming Permanent Regulatory Program (hereinafter referred to as the Wyoming program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Wyoming program and the proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m. on August 13, 1982, to be considered in the Secretary's decision on whether the proposed amendments satisfy the Secretary's conditions of approval of the Wyoming program.

A public hearing on the proposed modifications has been scheduled for 2 p.m. on August 11, 1982, at the addresses listed below under **"ADDRESSES."**

Any person interested in making an oral or written presentation at the hearing should contact Bill Thomas at the address and phone number listed below by July 30, 1982. If no person has contacted Mr. Thomas to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register.**

ADDRESSES: The hearing will be at the Ramada Inn, I–25 and Center Street, Casper, Wyoming. Written comments should be mailed or hand delivered to: Bill Thomas, State Office Director, Office of Surface Mining Reclamation and enforcement.

Copies of the Wyoming program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Offices and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Administrative Record Office, 1100 "L" Street, N.W., Washington, D.C. 20240

Office of Surface Mining Reclamation and Enforcement, Wyoming State Office, Freden Building, P.O. Box 1420, Mills, Wyoming 82644

Wyoming Department of Environmental Quality, Land Quality Division, 401 West 19th Street, Cheyenne, Wyoming 82002

FOR FURTHER INFORMATION CONTACT: Bill Thomas, State Office Director, Freden Building, P.O. Box 1420, Mills, Wyoming 82644, Telephone: (307) 328–5830.

SUPPLEMENTARY INFORMATION: On August 15, 1980, OSM received a proposed regulatory program from the State of Wyoming. On February 15, 1981, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program. Notice of that decision and the Secretary's findings were published in the **Federal Register** on March 31, 1980 (45 FR 20930–20982). The State of Wyoming resubmitted its proposed regulatory program and after a subsequent review, the Secretary approved the program subject to the correction of seven minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the November 26, 1980 **Federal Register** (45 FR 78638–78684).

In accepting the Secretary's conditional approval, Wyoming agreed to correct the seven deficiencies by March 26, 1981. On October 30, 1981, the Secretary extended the date by which Wyoming is required to satisfy

conditions "b" and "c" to May 26, 1982 (46 FR 54070–54071).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed expalantion of the conditions of approval of the Wyoming program can be found in the November 26, 1980 Federal Register (45 FR 78638–78684).

Submission of Revisions

On March 26, 1981, OSM received from the State of Wyoming revisions to the State regulations intended to satisfy conditions "a," "d," "e," and "f." On March 23, 1981, OSM received from the State of Wyoming an Attorney General's Opinion intended to satisfy condition "g." Following a review of these provisions in accordance with the procedures set forth at 30 CFR 732, the Secretary announced his decision to remove conditions "a," "d," "e," and "f" (47 FR 7218–7220, February 18, 1982). With regard to condition "g" the Secretary found the amendment submitted by the State did not fully satisfy the condition. Hence, the Secretary granted Wyoming an extension to May 20, 1983, to submit additional materials to meet conditoon "g" (47 FR 7218–7220, February 18, 1982). On May 26, 1982, Wyoming submitted emergency rules pertaining to the definition of "toxic materials" and procedures and criteria for petitions on the award of costs and expenses. These rules were submitted by the State to address condition "b" and, in part, condition "c."

Prior to the submission of these program amendments, Wyoming requested an extension to meet condition "c" in order to allow OSM time to act on a petition which was submitted by Wyoming, together with Colorado, Utah, Montana, New Mexico and North Dakota, which could have a bearing on the State's satisfaction of condition "c." In a notice published May 26, 1982 (47 FR 22975–22976), the Secretary invited comment on the State's request for an extension.

Because Wyoming is still awaiting OSM's decision on the petition, the amendments submitted on May 26, 1982, are intended to satisfy the requirements of conditions "b" and "c" with the exception of the requirement of condition "c" which calls for the State to adopt a provision to provide for the award of costs and expenses against the State. Wyoming still seeks an extension of time to satisfy that part of condition "c" in order to allow OSM time to act on the petition. The Secretary is still considering the State's request for an extension and will announce his final decision in a separate notice. This notice is only for the purpose of seeking comment on the amendments submitted May 26, 1982, which, as noted above, are intended to satisfy condition "b" and, in part, condition "c."

Condition "b" stipulates that Wyoming must promulgate an amendment to its rule defining toxic materials to require only a showing of "detrimental" effects, or make other changes in its program to achieve the same result. Condition "c" stipulates that Wyoming must establish requirements which are consistent with the Federal regulation at 43 CFR Part 4.

The emergency rules submitted by Wyoming on May 26, 1982, consist of the following:

(1) An amendment of the rules of the Wyoming Department of Environmental Quality, Land Quality Division, relating to the definition of "toxic materials." The amendment supersedes Chapter I, Section 2(99).

(2) An amendment to the Rules of Practice and Procedure relating to intervention and petitions for awards of costs and expenses. The amendment supersedes Chapter II, Section 7 and creates a new Chapter V.

These amendments are contained in full text in the Wyoming Administrative Record and are available for public review at the addresses listed above under **"ADDRESSES"**.

The Secretary seeks public comment on whether the amendments satisfy condition "b" and "c" except the requirement in condition "c" which calls for the State to adopt a provision to provide for the award of costs and expenses against the State.

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Compliance with the Regulatory Flexibility Act.* The Secretary hereby determines that this proposed rule will not have a significant economic effect on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

3. *Compliance with Executive Order No. 12291.* Regulations concerning satisfaction of conditions of approval of State regulatory programs under SMCRA have been granted a categorical exemption from the requirement to prepare a Regulatory Impact Analysis.

List of Subjects in 30 CFR Part 950

Coal mining, Intergovernmental relations, Surface mining, and Underground mining.

Dated: July 20, 1982.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 82-19978 Filed 7-22-82; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 435 and 436

Medicaid Program; Deeming of Income Between Spouses; Categorically Needy

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: We propose to revise current Medicaid rules for determining the financial eligibility and the level of Medicaid payments for institutional care of aged, blind, and disabled categorically needy individuals when one spouse is institutionalized and the other spouse is not. We propose to reinstate the rules that were in effect prior to the court orders in the Gray Panthers litigation. The change would affect those States that, as permitted by statute, use more restrictive eligibility criteria than those applied nationally under the Supplemental Security Income (SSI) program. It would also apply in Puerto Rico, Guam, and the Virgin Islands.

These amendments would revise the regulations permitting these jurisdictions, in situations where one spouse is institutionalized, to consider a portion of the income of one spouse as available to the other spouse whether or not the income is actually contributed.

DATE: To assure consideration, comments should be mailed by September 21, 1982.

ADDRESS: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17076, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C., or to Room 793, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to file code BPP–214–P. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's offices at 200 Independence Ave., S.W., Washington, D.C. 20201, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

FOR FURTHER INFORMATION, CONTACT: Marinos T. Svolos, (301) 594–9052.

SUPPLEMENTARY INFORMATION:

A. Background

Section 1902(a)(10(A) of the Social Security Act requires States to provide Medicaid eligibility for all SSI beneficiaries. However, section 1902(f) of the Act gives the States an option to restrict the Medicaid eligibility of the aged, blind and disabled to those individuals who meet the eligibility criteria under the State's Medicaid plan in effect on January 1, 1972.

Section 1902(a)(17)(B) of the Act requires that, in determining eligibility for and the extent of medical assistance provided under the plan, States take into account only such income as is determined (under standards prescribed by the Secretary) to be "available" to the Medicaid applicant or beneficiary. Under Medicaid plans in effect in January 1972, some States "deemed" a certain amount of the income of a financially responsible relative (spouse or parent) as available to a Medicaid applicant or beneficiary, without regard to the actual contribution of that money by the relative. In the case of institutionalized applicants or beneficiaries, this was often done by subtracting, from the income of the relative living in the community, a specific "protected" amount that was considered necessary for his or her living expenses, and considering the remaining amount available to the institutionalized individual. The State then reduced its payment to the institution based on that individual's available income.

Under the SSI program, the statute requires that, if an individual and his or her spouse who apply or are eligible for SSI cease to live together, their income and resources must be considered to be mutually available, for purposes of determining eligibility, for the first six months after the month they cease to live together (see 42 U.S.C. 1381a, 1382(a), and 1382c(b)). If only one spouse applies or is eligible for SSI, the SSI program must deem the income and resources of the other spouse only until the end of the month they cease to live together (42 U.S.C. 1382c(f)). For the eligible couple, their total income and resources are measured against the SSI standard for a couple; for couples where only one spouse applies or is eligible, the amount deemed is determined according to a set formula.

B. Court Orders

These proposed regulations represent a return to policy that was in effect until May 30, 1979 when we revised our deeming rules through a HCFA issuance to State Medicaid agencies. That issuance was required by an order of the United States District Court for the District of Columbia that prohibited any deeming of income between spouses in section 1902(f) States when one spouse was institutionalized. That order in *Gray Panthers v. Secretary, Department of Health, Education, and Welfare, et al.*, Civil Action No. 78–0661, vacated the existing deeming regulations (the 1977 regulations) in 1902(f) States, and required HCFA to propose and publish new regulations that would prohibit any deeming of income between spouses in 1902(f) States when one spouse is institutionalized. No change was required for regulations affecting non-1902(f) States or situations when neither spouse was institutionalized.

After issuing a notice of proposed rulemaking, we issued final regulations on December 15, 1980, based upon the analysis of the United States Court of Appeals *Gray Panthers* decision issued July 29, 1980 that amended the District Court order in *Gray Panthers*. The Court of Appeals ordered the Secretary to issue new regulations after considering certain "relevant factors". Under the December 15, 1980 rules, 1902(f) States were permitted to use SSI deeming of income criteria or any deeming criteria more liberal than SSI, when one spouse was institutionalized. In the preamble to those regulations, we stressed that the new regulations were based on the Court of Appeals decision that rejected the Department's legal analysis of the statute and ordered new regulations. We added that the Department was seeking Supreme Court review of the *Gray Panthers* decision and, if our 1977 regulations were upheld, we might revise the December 1980 regulations (45 FR 82254).

On June 25, 1981, the United States Supreme Court ruled that the Court of Appeals was not justified in invalidating our 1977 deeming regulations because the Secretary had properly exercised the authority delegated by Congress. In reversing the decision of the Court of Appeals, the Supreme Court noted that the December regulations do not reflect the "independent judgment of the Secretary and is entitled to no weight. In issuing the [December 1980] provisional regulations, the Secretary was simply adhering to the lower court's reasoning and mandate." *Schweiker v. Gray Panthers*, 101 S.Ct. 2633, 2639, fn. 12.

On February 23, 1982, the United States Supreme Court decided another Medicaid deeming case, *Herweg v. Ray*, No. 80–60, governing non-1902(f) States. In *Herweg*, the Court noted that, if a non-1902(f) State (Iowa) wished to deem more extensively than under SSI rules, the State could opt for 1902(f) status. (See footnote 15 on page 12). However, under our 1980 rules, Iowa's election to become a 1902(f) State would not permit it to deem more extensively than under SSI rules.

The Court also stated on page 12 that section 1902(f) States are *"required* to deem income to the extent required in SSI States and may deem to the full extent they did before 1972".

Because the United States Supreme Court has clearly upheld the validity of our 1977 deeming regulations, we propose to reissue our 1977 deeming rules for the categorically needy (individuals who are eligible for Medicaid and who meet the financial eligibility requirements of a related cash assistance program; for example SSI, or a State supplementary assistance program under title XVI of the Act).

These rules would not apply to "medically needy" aged, blind or disabled individuals. The medically needy are individuals who are otherwise eligible for Medicaid, who are not categorically needy, and whose income and resources are within limits set under each State Medicaid plan. Deeming rules for the medically needy in section 1902(f) States were included in regulations implementing the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35. (See 46 FR 47976, September 30, 1981.) These regulations are located in sections 42 CFR 435.822, 435.823, and 436.821 and need no further modification to reflect the *Gray Panthers* decision.

C. Application

These regulations would apply to determinations of Medicaid eligibility in section 1902(f) States [1] and Guam,

[1] At present these States are as follows: Region I: Connecticut, New Hampshire; Region II: New York; Region III: Virginia; Region IV: North Carolina; Region V: Illinois, Indiana, Minnesota, Ohio; Region VI: Oklahoma; Region VII: Missouri, Nebraska; Region VIII: North Dakota, Utah; Region IX: Hawaii; and Region X: none.

Puerto Rico and the Virgin Islands. There would no longer be separate rules in the Medicaid regulations for the financial responsibility of spouses in section 1902(f) States when one spouse is institutionalized.

In a reissuing of the 1977 deeming rules for categorically needy individuals, States would be required to use SSI deeming practices or any deeming criteria more extensive than SSI practices, but not more restrictive than under the State's January 1, 1972 Medicaid plan.

This would mean that both the amount and duration of deeming could be more extensive than SSI practice, if authorized under the 1972 plan. For example, States could continue to deem for indefinite periods of time. Under these proposed rules, 1902(f) States would no longer be permitted to use any deeming criteria less extensive than SSI practices.

We are particularly interested in comments from 1902(f) States concerning the impact of reinstituting the 1977 regulations. We are requesting suggestions for implementation and recommendations that those States may have for alternatives or modifications within the scope of the statute.

D. Executive Order 12291

The HCFA actuary estimates that the savings resulting from this regulation may range from $4 million to $12 million in Federal funds and from $3 million to $10 million in State funds. Savings will be realized to the extent that 1902(f) States change their deeming practices. The impact will be on those individuals who may now be determined ineligible for Medicaid. Therefore, we have determined that this rule does not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291. That is, this rule will not have an annual effect on the economy of $100 million or more; or cause a major increase in costs or prices for consumers, government agencies, industry, or a geographic region; or cause significant adverse effects on business or employment.

E. Regulatory Flexibility Analysis

The provisions of 5 U.S.C. 603(a), as enacted by the Regulatory Flexibility Act of 1980, require Federal agencies to prepare a regulatory flexibility analysis when regulations have a significant economic impact on a substantial number of small businesses or small governmental jurisdictions.

These regulations would affect individuals who, because a State may change its deeming practices, may be determined ineligible for Medicaid. Only section 1902(f) States may be affected, and any changes in deeming practices as a result of these regulations could affect only individuals. Therefore, the Secretary certifies, under Section 605(b) of Title 5, United States Code, that this proposed rule would not have a significant economic impact on a substantial number of small entities.

F. Response to Comments

Because of the large number of comments that we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

G. List of Subjects

42 CFR Part 435

Aid to Families with Dependent Children, Aliens, Categorically needy, Contracts (Agreements—State Plan), Eligibility, Grant-in-Aid program—health, Health facilities, Medicaid, Medically needy, Reporting requirements, Spend-down, Supplemental security income (SSI).

42 CFR Part 436

Aid to families with dependent children, aliens, contracts (agreements), eligibility, grant-in-aid program—health, Guam, health facilities, medicaid, Puerto Rico, supplemental security income (SSI), Virgin Islands.

42 CFR Parts 435 and 436 are amended as set forth below:

PART 435—ELIGIBILITY IN THE STATE AND DISTRICT OF COLUMBIA

The authority citation for Part 435 reads as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

1. Section 435.121 is amended by revising paragraph (b)(1) as follows:

§ 435.121 Individuals in States using more restrictive requirements for Medicaid than the SSI requirements.

* * * * *

(b) If an agency uses more restrictive requirements under this section—

(1) Each requirement may be no more restrictive than that in effect under the State's Medicaid plan on January 1, 1972, and no more liberal than that applied under SSI or an optional State supplement program that meets the conditions of § 435.230; and

* * * * *

2. Section 435.734 is revised to read as follows:

§ 435.734 Financial responsibility of spouses and parents.

In determining Medicaid eligiblity of an aged, blind, or disabled individual under requirements more restrictive than those used under SSI, the agency must consider the income and resources of spouses and parents as available to the individual in the manner specified in §§ 435.723 and 435.724 or in a more extensive manner, but not more extensive than the requirements in effect under the Medicaid plan on January 1, 1972.

PART 436—ELIGIBILITY IN GUAM, PUERTO RICO, AND THE VIRGIN ISLANDS

The authority citation for Part 436 reads as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

3. Section 436.711 is revised to read as follows:

§ 436.711 Determination of financial eligibility.

In determining eligibility of individuals specified in subparts B and C of this part who are not recipients of cash assistance, the agency must apply the financial eligibility requirements of the State plan for OAA, AFDC, AB, APTD, or AABD that would be used if the individual were applying for cash assistance. This includes requirements on financial responsibility of spouses and parents, except that in determining eligibility of families and children, the agency must consider parental income and resources as available to a child who is living with the parents until he becomes 21, even if State law confers adult status below age 21.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: June 8, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: July 6, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-20068 Filed 7-22-82; 8:45 am]

BILLING CODE 4120-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-413; RM-4097]

FM Broadcast Station in Cambria, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of a Class A FM channel to Cambria, California, in response to a petition filed by E. G. Wallenbrock. The proposed assignment could provide a first FM broadcast service to Cambria.

DATES: Comments must be filed on or before August 30, 1982, and reply comments must be filed on or before September 14, 1982.

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

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

SUPPLEMENTARY INFORMATION:

Subjects Listed in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

Adopted: July 9, 1982.

Released: July 16, 1982.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Cambria, California); BC Docket No. 82-413, RM-4097.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making filed April 6, 1982, by E. G. Wallenbrock ("petitioner") proposing the assignment of FM Channel 232A to Cambria, California, as that community's first FM assignment. Petitioner failed to state its intention to apply for Channel 232A, if assigned. It is requested to do so in its comments to this proposal. This assignment can be made in compliance with the Commission's minimum distance separation requirements.

2. Petitioner filed information in support of the proposal.[1] Cambria has no local aural service.

3. In view of the fact that the proposed assignment could provide Cambria with its first local FM broadcast service, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Cambria, Calif.		232A

4. 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.

5. Interested parties may file comments on or before August 30, 1982, and reply comments on or before September 14, 1982, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, 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. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

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) and 0.204(b) 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

[1] Petitioner furnished economic, demographic and preclusion data demonstrating the need for a first FM assignment to Cambria, California. However, in view of the action taken in the *Second Report and Order* in BC Docket No. 80-130, 47 FR 26624, published June 21, 1982, the information is no longer required.

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 Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-19935 Filed 7-22-82; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-76; RM-3933]

TV Broadcast Station in Salem and Bend, Oreg.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: This action dismisses a proposal to reassign VHF Channel *3 from Salem to Bend, Oregon, in response to a petition filed by Oregon Educational and Public Broadcasting Service. The rule making is dismissed at the request of the petitioner.

DATE: Effective September 14, 1982.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television.

Adopted: July 13, 1982.

Released: July 16, 1982.

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Salem and Bend, Oregon); BC Docket No. 82-76, RM-3933; Report and Order (Proceeding Terminated).

1. Before the Commission is the *Notice of Proposed Rule Making*, 47 FR 7467, published February 19, 1982, proposing the reassignment of VHF television Channel *3 from Salem to Bend, Oregon, in response to a petition filed by Oregon Educational and Public Broadcasting Service, licensee of noncommercial educational Station KVDO-TV, Salem, Oregon. The *Notice* also proposed removing the reservation on Channel *15 at Bend, Oregon. Supporting comments were filed by the petitioner and by Fisher Broadcasting Inc., licensee of KATU(TV), Portland, Oregon.

2. Fisher supported the proposal primarily because it would eliminate the short spacing between its station (KATU) and Station KVDO-TV. Petitioner explains that it proposed the reassignment based on the premise that the license which it holds for Station KVDO-TV could be modified to specify the city of license as Bend, instead of Salem, Oregon. Since the petition did not request a modification of license, the issue was not addressed in the *Notice*. In the alternative, petitioner has requested to withdraw from this proceeding without any action on its request. We have determined that under existing law, we could not approve a modification of license to specify the new city without the opportunity to permit other interested persons to apply for the assigned channel. See *Ashbacker Radio Corp.* v. *F.C.C.* 326 U.S. 327 (1945) and *Riverside and Santa Ana, Cal.*, 65 F.C.C. 2d 920 (1977).

3. In view of the foregoing, it is ordered, That the petition of Oregon Educational and Public Broadcasting Service, requesting the reassignment of VHF television Channel *3 from Salem to Bend, Oregon, is hereby dismissed.

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

5. 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.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-19932 Filed 7-22-82; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-249; RM-4083, RM-4141; RM-4142]

Broadcast Station in Clarion, Emporium, Mercer, and Sugar Creek, Pa.; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule (Order).

SUMMARY: This action extends the time for filing reply comments in the proceeding involving proposed FM channel assignments to Clarion, Mercer, Emporium, and Sugar Creek, Pennsylvania.

DATE: Reply comments must be filed on or before July 23, 1982.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: July 8, 1982.

Released: July 13, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Clarion, Emporium,[1] Mercer,[1] and Sugar Creek,[1] Pennsylvania); BC Docket 82-249, RM-4083, RM-4141, RN-4142; order extending time for filing reply comments.

1. On April 29, 1982, the Commission adopted a *Notice of Proposed Rule Making*, 47 FR 20162, published May 11, 1982, proposing the assignment of Channel 244A to Clarion, Pennsylvania, in response to a petition filed by Clarion County Broadcasting Corporation. On June 21, 1982, two counterproposals were filed. The first by Patrick H. Engrao d.b.a. Mercer County Broadcasting Company, requests the assignment of Channel 244A to Mercer, and Channel 224A to Clarion, and the substitution of Channel 257A for 224A at Emporium, Pennsylvania. The second counterproposal submitted by Stephen S. Strattan requests the assignment of Channel 244A to Sugar Creek,

[1] These communities have been added to the caption.

Pennsylvania. Reply comments are presently due on July 7, 1982.

2. Counsel for Clarion Broadcasting Corporation filed a request on June 28, 1982, seeking additional time for filing reply comments to and including July 23, 1982. Counsel states that Clarion has been informed by its consulting engineer that it cannot complete the necessary review and analysis of the counterproposals by the time now set for filing reply comments and that additional time is needed to address and respond to the issues raised in the counterproposals. Counsel adds that Engrao has been apprised of the intent to file this request and has no objection to the extension. Petitioner also states that he has been unable to contact Strattan but has provided service of this request to all parties.

3. Since the Commission believes that it would be in the public interest to have all material available to it in arriving at a decision in this proceeding, we are granting the additional time as requested.

4. Accordingly, it is ordered, That the above request for an extension of time filed by Clarion County Broadcasting Corporation is granted and the date for filing reply comments is extended to and including July 23, 1982.

5. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-19936 Filed 7-22-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-262; RM-4066, RM-4146, RM-4151]

FM Broadcast Station in Kingman, Ariz. and Pahrump, Nev.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule (order).

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding involving the substitution of Channel 297 for Channel 244A at Kingman, Arizona, and a counterproposal to retain Channel 244A at Kingman. A separate proposal to assign Channel 298 to Pahrump, Nevada, has also been consolidated into this proceeding.

DATE: Reply comments must be filed on or before July 30, 1982.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: July 13, 1982.

Released: July 16, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Kingman, Arizona and Pahrump, Nevada); BC Docket No. 82-262, RM-4066, RM-4146, RM-4151; order extending time for filing comments.

1. On May 10, 1982, the Commission adopted a *Notice of Proposed Rule Making*, 47 FR 22125, published May 21, 1982, in response to a petition filed by Mohave Sun Broadcasting, requesting the substitution of Channel 297 for Channel 244A at Kingman, Arizona. On June 28, 1982, two counterproposals were timely filed—(1) by Lilly Amador, requesting that Channel 244A be retained at Kingman, and (2) by Tamarack Investment Corporation requesting the conflicting assignment of Channel 298 to Pahrump, Nevada. The reply comment deadline is July 19, 1982.

2. Counsel for Mohave Sun Broadcasting on July 1, 1982, filed a request seeking additional time in the proceeding to and including July 30, 1982, for filing reply comments. Counsel states that he had been informed that other parties had or anticipated filing counterproposals to the *Notice of Proposed Rule Making*. According to counsel, he has neither received copies of said counterproposal, nor has he been able to ascertain if, in fact, they have been filed. Counsel adds that he will be out of the city from July 3 to July 18, 1982, thus there will be no opportunity to review and respond by the present deadline, to any counterproposals which may have been filed.

3. Since the reply pleading cycle is intended to permit the petitioner to respond to counterproposals of which we have two pending, we shall grant the extension.

4. Accordingly, it is ordered, That the date for filing reply comments in BC Docket 82-262 is extended to and including July 30, 1982.

5. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Commissions Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-19937 Filed 7-22-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 47, No. 142
Friday, July 23, 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

Food and Nutrition Service

Availability of Surplus Butter

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: The Food and Nutrition Service announces that it will provide at least 50 million pounds of surplus butter to requesting State agencies for distribution to eligible recipients.

DATE: Requests for allocations of butter must be submitted by December 31, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph E. Shepherd, Director, Food Distribution Division, Food and Nutrition Service, Park Office Center, Alexandria, Virginia 22302, (703) 756–3680.

SUPPLEMENTARY INFORMATION: The Food and Nutrition Service will provide at least 50 million pounds off butter to agencies of State governments which request it for distribution to eligible recipients. The Department will pay the cost of transporting the butter from Federal storage facilities to centralized storage facilities of recipient State agencies. State agencies will be responsible for arranging and financing distribution of the butter within the State.

The butter is being offered under the provisions of section 416 of the Agriculture Act of 1949 and section 1114 of the Agriculture and Food Act of 1981. It may be used only in nonprofit school lunch programs; nonprofit summer camps for children, and other child nutrition programs providing food service; in nutrition projects operating under authority of the Older Americans Act of 1965, including congregate nutrition sites and providers of home-delivered meals; in assistance to needy persons; and in charitable institutions, including hospitals, to the extent that needy persons are served.

Distribution to needy persons for use in the preparation of meals in the home may be made only through food banks participating in the program established under section 211 of the Agriculture Act of 1980. State agencies wishing to distribute butter for this use will be required to assist the Department in designating food banks for participation in that program. State agencies must ensure that food banks have adequate freezer facilities for the storage of the butter or the ability to distribute it within 48 hours of receipt.

State agencies participating in this distribution of butter will be required to enter into an agreement with the Food and Nutrition Service. This agreement will embody the terms and conditions under which the butter is being provided. A copy of the agreement may be obtained from tthe appropriate Regional Administrator, Food and Nutrition Service. Agencies wishing to participate in the distribution should, by December 31, 1982, advise the appropriate Regional Administrator, in writing, of their interest and of the amount which they would like to recieve. If requests for butter exceed the amount available, the butter will be allocated among the States on the basis of State population.

Dated: July 16, 1982.

Robert E. Leard,

Associate Administrator, Food and Nutrition Service.

[FR Doc. 82–19853 Filed 7–22–82; 8:45 am]

BILLING CODE 3410–30–M

Office of the Secretary

National Advisory Council on Child Nutrition; Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the National Advisory Council on Child Nutrition, established by Section 15 of the National School Lunch Act to make a continuing study of the child nutrition programs of the U.S. Department of Agriculture, has scheduled a meeting for August 11, 12 and 13, 1982. The meeting will take place from 8:30 a.m. to 5:00 p.m. daily on August 11 and 12; and from 8:30 a.m. to 11:30 a.m. on August 13 at the Ramada Inn, 4641 Kenmore Avenue (Seminary Road East and I–395), Alexandria, Virginia 22304. It will be open to the general public who may be allowed to participate in the discussions if time permits.

The meeting will be devoted primarily to the preparation of the 1982 biennial report to the President and the Congress. The agenda will be available 15 days prior to the meeting. Requests for the agenda and any written comments should be sent to Mr. George A. Braley, Executive Secretary, National Advisory Council on Child Nutrition, United States Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22303, (703) 756–3052.

Dated: July 19, 1982.

Samuel J. Cornelius,

Administrator, Food and Nutrition Service.

[FR Doc. 82–20005 Filed 7–22–82; 8:45 am]

BILLING CODE 3410–30–M

Section 22 Import Fees; Adjustment of Import Fees on Sugar

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to decrease by one cent the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended, whenever the average daily (domestic) spot price quotation for raw sugar for 10 consecutive market days within any calendar quarter is in excess of the market stabilization price by more than one cent. This notice announces such adjustment.

EFFECTIVE DATE: 12:01 AM (local time at post of entry) July 21, 1982. (See Supplementary information.)

FOR FURTHER INFORMATION CONTACT: William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250, (202) 447–6723.

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4940, dated May 5, 1982, headnote 4 of Part 3 of the Appendix to the TSUS was amended to provide for quarterly adjusted fees on imports of raw and refined sugar (TSUS items 956.15, and

957.15). Paragraph (c)(ii) of headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (domestic) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee, Sugar, and Cocoa Exchange) expressed in United States cents per pound, in bulk, is less than the market stabilization price. However, whenever the average of the daily spot (domestic) price quotations for 10 consecutive market days within any calendar quarter (1) exceeds the market stabilization price by more than one cent, the fee then in effect shall be decreased by one cent, or (2) is less than the market stabilization price by more than one cent, the feet then in effect shall be increased by one cent. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus one cent per pound.

The average of the daily spot (domestic) price quotations for raw sugar (item 956.15) for the 10 consecutive market day period July 1–July 15, inclusive, within the third calendar quarter of 1982, is 21.77 cents per pound. This is more than one cent in excess of the market stabilization price of 19.88 cents. Accordingly, the fee of 3.4193 cents per pound for item 956.15 is required to be decreased by one cent, resulting in a fee for item 956.15 of 2.4193 cents per pound and a fee for items 956.05 and 957.15 of 3.4193 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce any adjustment in the fees made within a calendar quarter, certify such adjusted fees to the Secretary of the Treasury, and file notice thereof with the Federal Register within 3 market days of such determination. This notice is therefore being issued in order to comply with the requirements of headnote 4(c).

Effective Date

In accordance with headnote 4(c)(vi) of Part 3 of the Appendix to the Tariff Schedules of the United States, the adjustment in fees made herein shall not apply to the entry or withdrawal from warehouse for consumption of sugar exported (as defined in § 152.1 of the Customs Regulations) on a through bill of lading to the United States from the country of origin before the effective date of the adjustment.

Notice

Notice is hereby given that, in accordance with the requirements of headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the remainder of the third calendar quarter of 1982, unless further adjusted in accordance with headnote 4(c), shall be as follows:

Item	Fee (cents per lg)
956.05	3.4193
956.15	2.4193
957.15	3.4193

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iv) of headnote 4.

Signed at Washington, D.C. on July 19, 1982.

Seeley G. Lodwick,

Acting Secretary of Agriculture.

[FR Doc. 82-19945 Filed 7-20-82; 3:44 pm]

BILLING CODE 3410-10-M

Rural Electrification Administration

Continental Telephone Co. of Arkansas, Russellville, Ark., Proposed Loan Guarantee

Under the authority of PUB. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the **Federal Register**, September 16, 1974 (Vol. 39 No. 180, pages 33228–33229), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $10,500,000 to Continental Telephone Company of Arkansas, Russellville, Arkansas. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Eugene J. Fix, President, Continental Telephone Company of Arkansas, P.O. Box 307, Wentzville, Missouri 63385.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. Eugene J. Fix. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Continental Telephone Company of Arkansas and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Public Information Office, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

Dated at Washington, D.C., this 14th day of July 1982.

Jack Van Mark,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 82-19648 Filed 7-22-82; 8:45 am]

BILLING CODE 3410-15-M

Glacier Highway Electric Association, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500) and REA Bulletin 20–21:320–21, Environmental Policies and Procedures, has made a Finding of No Significant Impact with respect to a request for financing assistance by Glacier Highway Electric Association, Inc., (Glacier Highway) of Auke Bay, Alaska, for the construction of a standby generating plant and associated facilities in Greater Juneau Borough, Alaska.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment and Glacier Highway's Borrower's Environmental Report (BER) may be reviewed at or obtained from Mr. William E. Davis, Director, Distribution Systems Division, Room 3304, South Agriculture Building, Washington, D.C.

20250, telephone: (202) 382–8848 or Mr. Charles Y. Walls, General Manager, Glacier Highway, Mile 12 Glacier Highway, Auke Bay, Alaska 99821, telephone: (907) 789–7344, during regular business hours.

SUPPLEMENTARY INFORMATION: REA, in connection with a request for financing assistance by Glacier Highway, has reviewed the BER submitted by Glacier Highway and has determined that it represents an accurate assessment of the environmental impacts of the proposed project.

The proposed project consists of constructing a 5.5 MW standby generating plant, two 5,000 barrel fuel storage tanks and approximately 9.9 km (6.2 mi) of 69 kV transmission line. Based on the BER and other support documents, REA prepared an Environmental Assessment concernig the proposed project and its impacts. REA concluded that the proposed request for financing assistance would not be a major Federal action significantly affecting the quality of the human environment.

The BER and EA adequately consider potential impacts of the project on resources including threatened and endangered species, important farmlands, cultural resources, wetlands and floodplains.

Alternatives examined include no action, continuation to contract with Alaska Electric Power and Light for all standby service and alternate sites. After reviewing these alternatives, REA determined that the proposed project is an acceptable alternative because it meets Glacier Highway's needs with a minimum of adverse impacts.

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

Dated: July 14, 1982.

Jack Van Mark,

Acting Administrator.

[FR Doc. 82-19647 Filed 7-22-82; 8:45 am]

BILLING CODE 3410-15-M

Mt. Wheeler Power, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500) and REA Bulletin 20–21:320–21, Environmental Policies and Procedures, has made a Finding of No Significant Impact with respect to the proposed financing assistance to Mt. Wheeler Power, Inc., (Mt. Wheeler) of Ely, Nevada, for the construction of 69 kV transmission facilities in Lander and Nye Counties, Nevada.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment and Mt. Wheeler's Borrower's Environmental Report (BER) may be reviewed at or obtained from Mr. William E. Davis, Director, Distribution Systems Division, Room 3304, South Agriculture Building, Washington, D.C. 20250, telephone: (202) 382–8848, or Mr. William R. Coffman, Acting Manager, Mt. Wheeler Power, Inc., 1137 Avenue F, East Ely, Nevada 89315, telephone: (702) 289–4453, during regular business hours.

SUPPLEMENTARY INFORMATION: REA, in connection with a request for financing assistance from Mt. Wheeler, has reviewed the BER submitted by Mt. Wheeler and has determined that it represents an accurate assessment of the environmental impact of the proposed project. The proposed project consists of approximately 72 km (45 mi) of 69 kV transmission line between the proposed Hickison Summit 69 kV Switching Station and the proposed Northumberland 69 to 14.4/24.9 kV Substation. Based on the BER and other support documents, REA prepared an Environmental Assessment concerning the proposed project and its impacts. REA concluded that the proposed financing assistance would not be a major Federal action significantly affecting the quality of the human environment.

The BER and EA adequately consider potential impacts of the proposed project on resources including threatened and endangered species, important farmlands, cultural resources, wetlands and floodplains.

Alternatives examined include no action, alternative line routing and substation sites and tapping an existing facility (Sierra Pacific's 230 kV transmission line). After reviewing these alteratives, REA determined that the proposed project is an acceptable alternative because it meets Mt. Wheeler's needs with a minimum of adverse impacts.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: July 14, 1982.

Jack Van Mark,

Acting Administrator.

[FR Doc. 82-19649 Filed 7-22-82; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Carney Park RC&D Measure, Nebraska

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Carney Park RC&D Measure, Holt County Nebraska.

FOR FURTHER INFORMATION CONTACT: Mr. A. E. Sullivan, State Conservationist, Soil Conservation Service, Federal Building, Room 345, Box 82502, Lincoln, Nebraska, 68501, telephone 402–471–5300.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. A.E. Sullivan, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for public water based recreation. The planned works of improvement include pond renovation and excavation, recreational facilities, and waterway installation including culverts and drop structure.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting A. E. Sullivan.

No administrative action on implementation of the proposal will be taken until after August 23, 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)

A. E. Sullivan,

State Conservationist.

[FR Doc. 82-19918 Filed 7-22-82; 8:45 am]

BILLING CODE 3410-16M

Lark Enterprise Land Drainage R.C. & D. Measure, Pennsylvania

AGENCY: Soil Conservations Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lark Enterprise Land Drainage R. C. & D. Measure, Lawrence County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, Telephone (717) 782-2202.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the measure will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns land drainage practices on approximately two acres. The planned works of improvement include regrading and shaping less than one acre, approximately 900 feet of subsurface drainage, and revegation of all disturbed areas with lime, fertilizer, seed, and mulch.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting Graham T. Munkittrick.

No administrative action on implementation of the proposal will be taken until August 23, 1982.

Dated: July 12, 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)

Graham T. Munkittrick,

State Conservationist.

[FR Doc. 82-19783 Filed 7-22-82; 8:45 am]

BILLING CODE 3410-16-M

Llagas Creek Watershed, California; Availability of a Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT: Gene Andreuccetti, State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis, California, 95616, telephone (916) 758-2200.

NOTICE: Gene Andreuccetti, the responsible Federal official for projects administered under the provisions of Pub. L. 83-566, 16 U.S.C. 1001-1008, in the state of California, is hereby providing notification that a Record of Decision to proceed with installation of the Llagas Creek Watershed Project is available. Single copies of this Record of Decision may be obtained from Gene Andreuccetti at the above address.

(Catolog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 9, 1982.

Gene Andreuccetti,

State Conservationist.

[FR Doc. 82-19782 Filed 7-22-82; 8:45 am]

BILLING CODE 3410-16-M

Marne Creek Watershed, South Dakota; Intent To Deauthorize Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Intent to Deauthorize Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Marne Creek Watershed project, Yankton County, South Dakota.

FOR FURTHER INFORMATION CONTACT: Robert D. Swenson, State Conservationist, Soil Conservation Service, 200 Fourth Street S.W., Huron, South Dakota 57350, telephone 605-352-8651.

A determination has been made by Robert D. Swenson that the proposed works of improvement for the Marne Creek Watershed project will not be installed. Information regarding this determination may be obtained from Robert D. Swenson, State Conservationist, at the above address and telephone number.

Marne Creek Watershed, South Dakota; Notice of Intent To Deauthorize Federal Funding

No administrative action on implementation of the proposed deauthorization will be taken until September 21, 1982.

Dated: July 14, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Robert D. Swenson,

State Conservationist.

[FR Doc. 82-19784 Filed 7-22-82; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under Subpart Q of the Board's procedural regulations (see, 14 CFR 302.1701 et seq.) week ended: July 16, 1982.

SUBPART Q APPLICATIONS

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
July 12, 1982	40837	Sun Country Airlines, Inc., Mr. James R. Olsen, President, 12940 Harriet Avenue South, Suite 260, Burnsville, Minnesota 55337. Application of Sun Country Airlines, Inc. requests the Board pursuant to Section 401(d)(3) of the Act and Part 201 of the Board's Economic Regulations for a certificate of public convenience and necessity authorizing it to engage in interstate and overseas charter air transportation of persons, property, and mail as follows: (a) Between any point in any State in the United States, the District of Columbia, or any territory or possession of the United States and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States; and (b) In interstate and overseas air transportation pursuant to contracts with the Department of Defense. Applicant requests such approval under Sections 408 and 409 of the Act as may be necessary or, in the alternative, such exemptions or disclaimers of jurisdiction as may be appropriate. Conforming Applications, Motions to modify scope, and Answers may be filed by August 9, 1982.
July 12, 1982	40838	Sun Country Airlines, Inc., Mr. James R. Olsen, President, 12940 Harriet Avenue South, Suite 260, Burnsville, Minnesota 55337. Application of Sun Country Airlines, Inc. requests the Board pursuant to Section 401(d)(3) of the Act and Part 201 of the Board's Economic Regulations for a certificate of public convenience and necessity authorizing it to engage in foreign charter air transportation of persons, property, and mail, as follows: (a) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and Canada, on the other; (b) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and Mexico, on the other; (c) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Jamaica, the Bahama Islands, Burmuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands, and any other foreign place located in the Gulf of Mexico or the Caribbean Sea, on the other hand; (d) In foreign air transportation, pursuant to contracts with the Department of Defense. Applicant requests such approvals under Sections 408 and 409 of the Act, or, in the alternative, such exemptions or disclaimers of jurisdiction as may be necessary. Conforming Applications, Motions to modify scope, and Answers may be filed by August 9, 1982.
July 13, 1982	40842	Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Georgia 30320. Application of Delta Air Lines, Inc. requests the Board pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations for an amendment or renewal of its certificate of public convenience and necessity for Route 178 to permit it to continue to engage in the scheduled air transportation of persons, property, and mail over the following unrestricted segment: Between the terminal point Atlanta, Georgia and the terminal point London, England. Delta requests that the five year time limitation now included on its Atlanta-London authority be eliminated or extended. Delta invokes, and intends to rely upon, Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 556(c) as implemented by Part 377 of the Board's Special Regulations for continuance of its Atlanta-London authorization pending final determination of this application. Conforming Applications, Motions to modify scope, and Answers may be filed by August 10, 1982.
July 16, 1982	40847	Mid Pacific Airlines, Inc., c/o Cecil A. Beasley, Jr., Ballard and Beasley, 505 Commerce Building, 1700 K Street, N.W., Washington, D.C. 20006. Application of Mid Pacific Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to grant a certificate authorizing Mid Pacific to engage in interstate scheduled air transportation of persons, property and mail as follows: (1) Between Lihue, Kauai, and Honolulu, Oahu, and between Honolulu, Oahu, and Kahului, Maui (points the Company is presently serving pursuant to Part 298 of the Board's Economic Regulations); (2) Between Honolulu, Oahu, and Kona, Hawaii, and between Honolulu, Oahu, and Hilo, Hawaii (points Mid Pacific will serve in the future); (3) Between any and all additional or other points in the Hawaiian Islands; and (4) Between any and all points in the United States, its territories and possessions; Conforming Applications, Motions to modify scope, and Answers may be filed by August 13, 1982.
July 16, 1982	40848	Austin Airways Limited, c/o James M. Burger, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036. Application of Austin Airways, Limited, pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations applies for a Foreign Air Carrier Permit authorizing it to operate scheduled air transportation of persons, property and mail between Thunder Bay, Ontario and Minneapolis, Minnesota. Answers may be filed by August 13, 1982.
July 16, 1982	40850	Aeronaves Del Peru S. A., c/o Paul Reiber, 6714 Whittier Avenue, McLean, Virginia 22101. Application of Aeronaves Del Peru S. A. pursuant to Section 402 of the Act applies for a Foreign Air Carrier Permit authorizing it to engage in the foreign air transportation of property and mail over the routes described below: Between a terminal point or points in Peru, intermediate points in Colombia, Panama and Mexico, and the terminal points Houston, Texas and New York, New York. Answers may be filed by August 13, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-20008 Filed 7-22-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 40829]

Aeroamerica, Inc., A. Joel Eisenberg; Enforcement Proceeding; Notice of Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to him.

Dated at Washington, D.C., July 19, 1982.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 82-20009 Filed 7-22-82; 8:45 am]

BILLING CODE 6320-01-M

[82-7-67; Docket 40747]

Application of Emerald Air, Inc. d.b.a. Emerald Airlines; for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order instituting the

Emerald Air Fitness Investigation, 82–7–67, Docket 40747.

SUMMARY: The Director, Bureau of Domestic Aviation, under delegated authority, is instituting an investigation to determine the fitness of Emerald Air, Inc. to engage in the interstate and overseas air transportation of persons, and the interstate and overseas air transportation of property and mail between all points in the United States, its territories and possessions, except in all-cargo service within Alaska or Hawaii, and its fitness to continue holding the unused authority granted to it in Order 82–2–21.

DATES: Persons wishing to intervene in the *Emerald Air Fitness Investigation* shall file their petitions in Docket 40747 by 1982.

ADDRESSES: Petitions to intervene should be filed in Docket 40747, and addressed to the Docket Section, Civil Aeronautices Board, Washington, D.C. 20428

In addition, copies of such filings should be served on persons listed in the attachment and on any other person filing petitions.

FOR FURTHER INFORMATION CONTACT: John Brennan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428, (202) 673–5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 82–7–67 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82–7–67 to that address.

By the Bureau of Domestic Aviation: July 19, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–20010 Filed 7–22–82; 8:45 am]

BILLING CODE 6320–01–M

Announcement of Proposed Collection of Information Under the Provisions of the Paperwork Reduction Act (44 U.S.C. 35)

Agency clearance officer from whom a copy of the collection of information and supporting documents is available: Robin A. Caldwell—(202) 673–5922.

Extension

Title of the Collection of Information: Part 324, "Procedures for Compensating Air Carriers for Losses"
Agency Form Number: None
How often the Collection of Information must be filed: On occasion
Who is asked or required to report: U.S. Scheduled Air Carriers
Estimate of number of annual responses: 87
Estimate of number of annual hours needed to complete the collection of information: 2,050
Title of the Collection of Information: Part 212, "Charter Trips by Foreign Air Carriers"
Agency Form Number: None
How often the Collection of Information must be filed: On occasion
Who is asked or required to report: Foreign Air Carriers
Estimate of number of annual responses: 33,408
Estimate of number of annual hours needed to complete the collection of information: 14,035

Revision

Title of the Collection of Information: "Report of Financial and Operating Statistics for Certificated Air Carriers"
Agency Form Number: 41
How often the Collection of Information must be filed: Monthly, Quarterly, Semiannually, Annually
Who is asked or required to report: Certificated Air Carriers
Estimate of number of annual responses: 11,392
Estimate of number of annual hours needed to complete the collection of information: 48,405

Jack Calloway,

Chief, Data Requirements Section, Office of Comptroller.

July 16, 1982.

[FR Doc. 82–20011 Filed 7–22–82; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Carbon Steel Wire Rod From Venezuela; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that the Department of Commerce has determined preliminary that carbon steel wire rod from Venezuela is being sold or is likely to be sold in the United States at less than fair value within the meaning the antidumping law. Liquidation of all entries, of the product subject to this determination which are entered, or withdrawn from warehouse, for consumption, are being suspended, and a cash deposit or bond in an amount equal to the estimated dumping margin of 40 percent of the f.o.b. value shall be required at the time of each such entry or withdrawal from warehouse. If this investigation proceeds normally, the Department will make a final determination by October 1, 1982.

EFFECTIVE DATE: July 23, 1982.

FOR FURTHER INFORMATION CONTACT: Michael J. Altier, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20203, (202) 377–1785.

SUPPLEMENTARY INFORMATION:

Case History

On February 8, 1982, we received a petition in proper form from counsel for Atlantic Steel Corp., Georgetown Steel Corp., Georgetown Texas Steel Corp., Keystone Consolidated, Inc., Korf Industries, Inc., Penn-Dixie Steel Corp., and Raritan River Steel Co. filed on behalf of the U.S. industry producing carbon steel wire rod. The petitioners alleged that carbon steel wire rod from Venezuela is being sold at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended ("the Act").

On March 1, 1982, upon examining the petition as required under section 732 of the Act, we determined that there existed sufficient grounds upon which to initiate an antidumping investigation (47 FR 9259).

On March 25, 1982, the United States International Trade Commission ("ITC") determined that there is a reasonable indication that an industry in the United States is being materially injured or is threatened with material injury by reason of imports of carbon steel wire rod from Venezuela which are alleged to be sold at less than fair value. The ITC published notice of its determination on April 1, 1982 (47 FR 13927).

On March 15, 1982, we presented a questionnaire concerning the allegations to CVG–Siderurgica del Orinoco, C.A. ("Sidor"), the sole producer and/or exporter from Venezuela of the subject product.

Scope of Investigation

The product covered by this investigation is carbon steel wire rod which is a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, and not partly manufactured, valued over four cents per pound, currently provided for in item 607.17 of the *Tariff Schedules of the United States.*

Petitioner alleged that sales of the subject product to the United States had been made during calendar year 1981, the time period initially chosen as the

period of investigation. Subsequently, Sidor informed us that although several shipments of its merchandise had entered the United States during 1981, the actual sales for these entries were made in late 1980. Accordingly, the period of investigation was extended to include these sales.

However, Sidor refused to include in its response to our questionnaire any of the requested sales information. Since the requested information is essential to this investigation, we have therefore used the best information otherwise available in making our preliminary determination, in accordance with section 776(b) of the Act. At this time, we find the best information available is data submitted by the petitioners and Department of Commerce import statistics.

Methodology of Fair Value Comparison

A comparison was made between the United States price and the foreign market value of the imported merchandise.

United States Price

Purchase price was used to represent United States price because, according to the best information available, the price of carbon steel wire rod to unrelated purchasers in the United States was agreed to before the merchandise was imported into the United States. Purchase price, as defined in section 772(b) of the Act, was calculated by dividing the total value (f.o.b. port of exportation) of carbon steel wire rod imported into the United States from Venezuela in 1981 by the total volume (in metric tons) of the same imports. The source of this information was Department of Commerce import statistics.

Foreign Market Value

In accordance with section 773(a)(1)(A) of the Act the price of such or similar merchandise sold for consumption in the home market of Venezuela was used to determine foreign market value.

The petition included evidence of the price at which several home market sales were made. These sales prices included freight from the mill to the customer. We deducted the freight to arrive at an ex-mill price, and used the weighted average of these ex-mill prices to represent foreign market value.

Result of Comparison

We compared foreign market value with United States price calculated as above. The comparison results in a dumping margin of 40 percent.

Negative Determination of Critical Circumstances

Petitioners contend that "critical circumstances" exist with respect to this case. "Critical circumstances" exist when there is a reasonable basis to believe or suspect that: (1) There is a history of dumping in the United States, or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than fair value; and (2) there have been massive imports of the subject merchandise over a relatively short period.

Since this investigation was initiated, there have been no U.S. imports of carbon steel wire rod from Venezuela. In the context of this industry, this product has not been massively imported from Venezuela over a relatively short period. Since there have not been massive imports over a relatively short period, we therefore determine that critical circumstances do not exist with respect to imports of carbon steel wire rod from Venezuela.

Preliminary Determination and Suspension of Liquidation

In accordance with section 733(b) of the Act, we are preliminarily determining that there is a reasonable basis to believe or suspect that carbon steel wire rod from Venezuela is being sold or likely to be sold at less than fair value within the meaning of the antidumping law.

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries, of carbon steel wire rod which are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**, and to require a cash deposit or bond, for each such entry of the merchandise in the amount of 40 percent of the f.o.b. value.

ITC Notification

We are notifying the U.S. International Trade Commission of this action. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on August 23, 1982 at the U.S. Department of Commerce, Roon 3080, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by August 16, 1982. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within thirty days of this notice's publication, at the above address and in at least ten copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 19, 1982.

[FR Doc. 82-19944 Filed 7-22-82; 8:45 am]

BILLING CODE 3510-25-M

Elemental Sulphur From Canada; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On April 9, 1981, the Department of Commerce published the preliminary results of its administrative review and tentative determination to partially revoke the antidumping finding on elemental sulphur from Canada (46 FR 21214). The review covered 5 of the 40 producers and/or exporters currently covered by the finding: Canadian Superior Oil, Ltd., Shell Canada, Ltd., Chevron Standard, Ltd., Hudson's Bay Oil & Gas, Ltd., and Gulf Oil Canada, Ltd. Our review covered varying time periods through February 8, 1979, the date of a prior Treasury Department tentative determination to revoke with respect to the 5 companies.

Interested parties were provided an opportunity to submit written comments or request disclosure and/or a hearing. After review of comments made by a domestic interested party, the Department published in the **Federal**

Register on January 27, 1982, the final results of its administrative review and partial revocation of the finding with respect to Shell Canada and Canadian Superior Oil. With regard to the other three firms the Department now finds that all sales by Gulf Oil Canada, Chevron Standard, and Hudson's Bay Oil & Gas were made at not less than fair value. However, the Department is postponing action on these companies' applications for revocation.

EFFECTIVE DATE: July 23, 1982.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5255).

SUPPLEMENTARY INFORMATION:

Background

On December 17, 1973, a dumping finding with respect to elemental sulphur from Canada was published in the **Federal Register** as Treasury Decision 74–1 (38 FR 34655). On April 9, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review and tentative determination to revoke the finding (46 FR 21214) with respect to five firms. On January 27, 1982, the Dpartment published the final results of that review and revoked the finding with respect to two of those firms, Shell Canada, Ltd. and Canadian Superior Oil, Ltd.

The Department has now completed its administrative review of the finding for the remaining three firms.

Scope of the Review

Merchandise covered by the review is elemental sulphur, currently classifiable under item 415.4500 of the Tariff Schedules of the United States Annotated (TSUSA). The review is limited to Gulf Oil Canada, Ltd., Chevron Standard, Ltd., and Hudson's Bay Oil & Gas, Ltd. For Gulf and Chevron Standard the review covers the period May 1, 1977 through February 8, 1979. For Hudson's Bay the review covers the period January 1, 1977 through February 8, 1979.

Analysis of Comments Received

(1) *Comment:* A domestic interested party, Freeport Minerals Corporation, argued that the issue of whether these three firms had made home market sales at less than the cost of production in 1975 and 1976 had never been resolved by the Treasury Department or by the Department of Commerce.

Position: We conclude that the Treasury Department did resolve the issue in its tentative determination to revoke the finding with regard to these companies (44 FR 8057), finding that no sales at less than the cost of production had been made for that period. Our review is limited to a later period for which no allegation has been made of less than cost of production sales.

(2) *Comment:* Freeport requested that, for Gulf Oil, the Department conduct sales comparisons for shipments made during the Department's period of review but pursuant to contracts entered into prior to the period of review.

Position: The Department has now made these comparisons, and still finds that all sales were made at not less than fair value by this firm during the period of review.

(3) *Comment:* Freeport also requested that Hudson's Bay and Gulf furnish written agreements, required by § 353.54(e) of the Commerce Regulations for revocations, comparable to that submitted by Shell Canada.

Position: The Department is satisfied that the agreements from Hudson's Bay and Gulf currently on file conform to our present standards.

(4) *Comment:* Freeport objected to the lack of adequate non-confidential summaries from these three companies for the questionnaire responses covering our review period.

Position: In view of the subsequent release of the companies' confidential submissions under administrative protective order, we believe this issue has been adequately resolved.

(5) *Comment:* Freeport objected to the Department's failure to request additional information from these three companies for the period since February 8, 1979, the date of the Treasury Department's tentative determination to revoke.

Position: Section 353.54(a) of the Commerce Regulations gives the Department discretion to determine whether to revoke an antidumping finding. It has been the practice of the Department to view earlier Treasury tentative revocation notices as valid, and as fixing the effective date of revocation, unless the Department receives information from an interested party which causes the Department to have substantive doubt concerning the validity of Treasury's tentative revocation.

Final Results of Review

After analysis of the comments and supplemental information received, we conclude that all sales were made at not less than fair value by Hudson's Bay Oil & Gas, Ltd. for the period January 1, 1977 through February 8, 1979, and that all sales were made at not less than fair value by Chevron Standard, Ltd. and Gulf Oil Canada, Ltd. from May 1, 1977 through February 8, 1979. For the latter two companies, the Treasury Department concluded that all sales were made at not less than fair value from January 1, 1976 through April 30, 1977.

With regard to the applications for revocation by these three companies, the Department has decided to postpone action. All three companies are significant shareholder members in Cansulex, Ltd., an organization from which the Department has been unsuccessful in obtaining information concerning third-country sales. That information is necessary in order for the Department to review entries made by Mobil Oil Canada and Union Oil Company of Canada. In view of the fact that revocation actions are more discretionary in nature than are routine annual reviews, it is the Department's policy not to exclude any Cansulex member company from the finding until Cansulex complies with our long-standing requests for information, which we consider necessary to our administration of this particular antidumping finding or of the antidumping statute in general.

Since all sales by Hudson's Bay Oil & Gas between January 1, 1977 and February 8, 1979, and all sales by Chevron Standard and Gulf from May 1, 1977 through February 8, 1979 were made at not less than fair value, the Department shall instruct the Customs Service to liquidate without regard to dumping duties all appropriate entries with purchase dates or export dates in those periods. The Department will issue appraisement instructions directly to the Customs Service.

Since the calculated rates for all three companies are zero, the Department shall not require a deposit of estimated antidumping duties, as provided for by § 353.48(b) of the Commerce Regulations, on any shipments by these three firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 19, 1982.

[FR Doc. 82–19942 Filed 7–22–82; 8:45 am]

BILLING CODE 3510–25–M

Portable Electric Typewriters From Japan; Preliminary Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping duty order on portable electric typewriters from Japan. This review covers two new exporters of this merchandise to the United States, Tokyo Juki Industrial Co., Ltd. and Towa Sankiden Corporation, for the period January 4, 1980 through April 30, 1981. The review indicates a margin of 0.60% for Tokyo Juki and no margin for Towa Sankiden. As a result of this review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between foreign market value and United States price on shipments by Tokyo Juki occurring during the period. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 23, 1982.

FOR FURTHER INFORMATION CONTACT: Susan M. Crawford or Robert Marenick Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5255).

SUPPLEMENTARY INFORMATION:

Background

On May 9, 1980, the Department of Commerce ("the Department") published in the **Federal Register** (45 FR 30618–19) an antidumping duty order with respect to portable electric typewriters from Japan. Pursuant to section 736(c) of the Tariff Act of 1930 ("the Tariff Act"), the Department published an "Early Determination of Antidumping Duties" on August 13, 1980 (45 FR 53853–53856) with respect to two exporters to the United States, Brother Industries Ltd. and Silver Seiko Ltd. The Department published in the **Federal Register** of March 16, 1981 (46 FR 18921) a notice of intent to conduct administrative reviews of certain antidumping findings and orders. On April 24, 1981, the Department published the preliminary results of its first administrative review of the antidumping duty order with respect to a third exporter, Nakajima All Co., Ltd. (46 FR 23278). As required by section 751 of the Tariff Act, the Department has now conducted an administrative review for two new exporters.

Scope of the Review

Imports covered by the review are shipments of portable electric typewriters from Japan. The Department defines such merchandise as all typewriters currently classifiable under item 676.0510 of the Tariff Schedules of the United States Annotated ("TSUSA") and some currently classifiable under TSUSA item 676.0540, depending on the individual characteristics of the typewriters. The characteristics we consider include, but are not limited to, the dimensions, weight, presence of a carrying case, type of market, and method of distribution.

This review covers two new exporters of Japanese portable electric typewriters to the U.S., Tokyo Juki Industrial Co., Ltd. ("Tokyo Juki") and Towa Sankiden Corporation, for the period January 4, 1980, the date of suspension of liquidation, through April 30, 1981. The typewriters manufactured by Tokyo Juki are portable electronic typewriters. Any interested party who wishes to comment on the issue of whether the order covers such electronic typewriters should do so within the time limits set forth here in *Preliminary Results of Review.*

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was calculated on the basis of either the FOB packed price to an unrelated trading company for exportation to the United States or the C.I.F. packed price to the first unrelated purchaser in the United States. Where applicable, deductions were made for ocean freight, insurance, U.S. and foreign inland freight, handling charges, brokerage fees and commissions to unrelated parties, in accordance with § 353.10 of the Commerce Regulations. An addition was made for import duties on imported raw materials not collected when used to produce subsequently exported merchandise, in accordance with § 353.10(d)(1)(ii) of the Commerce Regulations. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value the Department used either the FOB packed price to an unrelated trading company for sale in the home market or the price to purchasers in a third country (West Germany) when sufficient sales did not exist in the home market, as defined in section 773 of the Tariff Act. The foreign market values were adjusted, where applicable, for inland freight, handling charges, commissions to unrelated parties and differences in the merchandise, in accordance with §§ 353.15 and 353.16 of the Commerce Regulations, and for packing cost differences. Where applicable, a deduction was made for Japanese customs brokerage charges incurred on imported parts upon withdrawal from bonded warehouse, in accordance with § 353.15 of Commerce Regulations. No other adjustments were claimed or made.

The Department requested, and Tokyo Juki supplied, cost of production information. The information demonstrates that Tokyo Juki was selling below cost during this review period. However, Tokyo Juki did not begin production until December 1980. Tokyo Juki indicated and the Department verified that the firm sold below cost in the initial months of production because of start-up costs which are normally incurred when a firm begins production and because it did not reach full production capacity during the review period. Since the company did not sell in substantial quantities at less than cost over an extended period, and because the review period was not of sufficient duration over which the recovery of start-up costs could reasonably be made, these sales did not meet the criteria for exclusion under § 353.7 of the Commerce Regulations. Accordingly, we did not disregard such sales.

Further, to substantiate the selected bases of comparison, the Department requested and received certain resale information from Olivetti Corporation, the importer of the merchandise manufactured by Tokyo Juki. The data pertained to resales in both the U.S. and Japan and justified the use of the prices to the unrelated trading company in both markets since the resales were not below the cost of acquisition.

Preliminary Results of Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that a margin of 0.60 percent exists for Tokyo Juki and no margin exists for Towa Sankiden for the period January 4, 1980 through April 30, 1981.

Interested parties may submit written comments on these preliminary results on or before August 23, 1982 and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after publication of this notice or the first workday thereafter. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will

publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess dumping duties on all appropriate entries made with purchase dates during the time period involved. Individual differences between United States price and foreign market value may vary from the percent stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins calculated above shall be required on all shipments of typewriters by these two firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 19, 1982.

[FR Doc. 82-19943 Filed 7-22-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine fisheries Service, NOAA, Commerce.

SUMMARY: The Caribbean Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Scientific and Statistical Committee which will meet to examine and provide recommendations to the Council on the quantification of the productivity of the shelf in relation to maximum sustainable yield (MSY) determination for the draft generic fishery management plan for the fishery resources of the Puerto Rican and St. Croix geological platforms.

DATE: The public meeting will convene on Tuesday, August 17, 1982, at approximately 9:30 a.m., and will adjourn at approximately 3 p.m.

ADDRESS: The meeting will take place at the Council's Headquarter's Office, 1108 Banco de Ponce Building, Hato Rey, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108—Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753-4926.

Dated: July 20, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-19981 Filed 7-22-82; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance To Permit to Southwest Fisheries Center

On June 18, 1982, Notice was published in the **Federal Register** (47 FR 26425), that an application had been filed with the National Marine Fisheries Service by the Southwest Fisheries Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038, for a permit to take up to 200 Pacific bottlenose dolphins (*Tursiops truncatus*) by inadvertent harassment for the purpose of scientific research.

Notice is hereby given that on July 19, 1982, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit to the Southwest Fisheries Center for the above taking subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 19, 1982.

R. B. Brumsted,

Acting Deputy Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-19982 Filed 7-22-82; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application for Permit From Richard H. Lambertsen

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

a. Name: Dr. Richard H. Lambertsen (P277A).

b. Address: Woods Hole Oceanographic Institution, Woods Hole, Massachusetts 02543.

2. Type of permit: Scientific research and scientific purposes.

3. Name and number of animals: Humpback whale (Megaptera novaeangliae), up to 520.

4. Type of take: Tissue sampling with biopsy dart for sex determination.

5. Location of activity: Western North Atlantic Ocean.

6. Period of activity: 5 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before August 23, 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 Assisitant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: July 16, 1982.

R. B. Brumsted,

Acting Deputy Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-19980 Filed 7-22-82; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1982; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1982 commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: July 23, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: On January 8, 1982, February 22, 1982, and May 21, 1982, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 999, 47 FR 7721, and 47 FR 22141) of proposed additions to Procurement List 1982, November 12, 1981 (46 FR 55740).

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities and service are hereby added to Procurement List 1982:

Class 8135

Chipboard
8135-00-290-0336
8135-00-782-3948
8135-00-782-3951

Class 8455

Holder, Identification
8455-00-898-9730

SIC 7349

Janitorial/Custodial, Federal Building, U.S. Post Office, Boise, Idaho.

C. W. Fletcher,

Executive Director.

[FR Doc. 82-20003 Filed 7-22-82; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1982; Proposed Additions and Deletions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee has received proposals to add to and delete From Procurement List 1982 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 25, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1982, November 12, 1981 (46 FR 55740):

Class 7510

Sheath, Pen and Pencil
7510-00-052-2664

Class 7530

Paper Set, Manifold and Carbon
7530-00-205-0511
(GSA Regions 2 and 5)

Class 8440

Neckerchief, Desert
8440-01-103-5981

SIC 0782

Grounds Maintenance, Bergstrom Air Force Base, Texas

SIC 7331

Mailing Services, Department of Treasury, Bureau of Public Debt, 13th and C Streets, S.W., Washington, D.C.

SIC 7349

Janitorial Service, 210 Walnut Street, Des Moines, Iowa

Janitorial/Custodial, DMS Warehouse, 1 King Street, U.S. Customs House, N. 2nd Street, Hastings Keith Federal Building, 53 N. 6th Street, New Bedford, Massachusetts

Janitorial/Custodial, Federal Building/U.S. Courthouse, Helena, Montana

Janitorial Service, Jacob Javits Federal Building, Court of International Trade, 26 Federal Plaza, Court of International Trade, 1 Federal Plaza, Center Street Garage, 203-209 Center Street, New York, New York

Janitorial Service, Robert C. McEwen U.S. Customs House, 127 North Water Street, Ogdensburg, New York, plus 4 U.S. Border Stations in Messena, Fort Covington, Trout River, and Chateaugay, New York

Janitorial Service, Federal Building, Brinker Hoff and Margaret Streets, Plattsburg, New York, plus 4 U.S. Border Stations: Route 9A and 9B Rouses Point; Champlain and Mooers, New York

Janitorial/Custodial (Grass Cutting) for the following locations:
USAR Center, Williamsburg, Virginia
USAR Center, Marcella Road, Hampton, Virginia
USAR Center, Butler Farm Road, Hampton, Virginia

Janitorial Service, FAA NAVAIDS Communication Building 1300, Spokane International Airport, Spokane, Washington

SIC 7369

Commissary Shelf Stocking and Custodial Services, Naval Air Station, Moffett Field, California

Commissary Shelf Stocking and Custodial Services, Naval Training Center, Great Lakes, Illinois

Commissary Shelf Stocking and Custodial Services, Naval Station, Philadelphia, Pennsylvania

Commissary Shelf Stocking and Custorial Services, Charleston Naval Station and Naval Weapons Station, Charleston, South Carolina

Commissary Shelf Stocking and Custodial Services, Naval Station, Norfolk, Virginia

Commissary Shelf Stocking and Custodial Services, Naval Air Station, Oceana, Virginia Beach, Virginia

Commissary Shelf Stocking and Custodial Services, Puget Sound Naval Shipyard, Bremerton, Washington

Commissary Shelf Stocking and Custodial Services, Naval Air Station, Whidbey, Oak Harbor, Washington

Commissary Shelf Stocking and Custodial Services, Naval Support Activity, Sand Point, Seattle, Washington

SIC 7699

Pallet Repair, Naval Supply Center, Cheatham Annex, Williamsburg, Virginia

Deletions

It is proposed to delete the following commodities and service from Procurement List 1982, November 12, 1981 (46 FR 55740):

Class 1430

Circuit Card Assembly
1430-00-471-5375
1430-00-403-5787

Class 1440

Circuit Card Assembly
1440-00-454-8574

Class 6920

Circuit Card Assembly
6920-00-482-8335

SIC 7399

Assembly of General Mechanic's Tool Kit, (5180-00-177-7033), GSA Depot, Kansas City, Missouri

C. W. Fletcher,

Executive Director.

[FR Doc. 82-20004 Filed 7-22-82; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

United States Army Medical Research and Development Advisory Committee, Medical Defense Against Chemical Agents Subcommittee; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meetings:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Medical Defense Against Chemical Agents.

Date of meeting: 19-20 August 1982.

Time and place: 1300-1700 hrs, 19 August 1982 and 0830-1200 hrs, 20 August 1982, Churchill Downs Room, Hyatt Regency, Louisville, KY.

Proposed agenda: In accordance with the provisions set forth in section 552b(c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92-463, both sections of the meeting will be closed to the public for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Richard Lindstrom, US Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD 21010 (301/671-2833) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield, M.D.,

Colonel, MC, Deputy Commander.

[FR Doc. 82-19928 Filed 7-22-82; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 24 August 1982, at the Palisades Institute for Research Services, 1925 North Lynn Street, Arlington, Virginia 222099.

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 B 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 low power device area includes such programs as integrated circuits, charge coupled devices and memories. 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.

July 20, 1982.

[FR Doc. 82-19912 Filed 7-22-82; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session 16 September 1982, at the Palisades Institute for Research Services, AGED at 1925 N. Lynn Street, Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 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.

July 20, 1982.

[FR Doc. 82-19913 Filed 7-22-82; 8:45 am]

BILLING CODE 3810-01-M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, September 7, 1982; Tuesday, September 14, 1982; Tuesday, September 21, 1982; and Tuesday, September 28, 1982, at 10:00 a.m. in Room 3D321, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b (c)(2)), and the detailed wages data considered by the

Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington, D.C. 20301.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

July 20, 1982.

[FR Doc. 82-19914 Filed 7-22-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

List of Accrediting and State Approval Agencies To Be Reviewed Under a Special Procedure

AGENCY: Department of Education.

ACTION: List of accrediting and State approval agencies to be reviewed under a special procedure.

SUMMARY: The Secretary lists nationally recognized accrediting agencies and State approval agencies that the National Advisory Committee on Accreditation and Institutional Eligibility recommends to the Secretary under a special review procedure. The list of agencies to which the Advisory Committee has applied this special procedure is composed of (1) agencies that were awarded the full four-year recognition in their last review and (2) agencies that have submitted interim reports.

DATE: Comments on these analyses must be received no later than August 27, 1982.

ADDRESSES: Comments may be submitted to Dr. L. W. Friedrich, Acting Chief, Agency Evaluation Section, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, 400 Maryland Avenue, S.W. (Room 3030, ROB-3), U.S. Department of Education, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. L. W. Friedrich, Telephone: (202) 245-9873.

SUPPLEMENTARY INFORMATION: This document advises the public that the National Advisory Committee on Accreditation and Institutional Eligibility, in making recommendations to the Secretary regarding his responsibility for listing accrediting agencies and State approval agencies, as required by 20 U.S.C. 1094(b)(3), 20 U.S.C. 1141(a) and other statutes, is following a special review procedure regarding some agencies.

Previously the Advisory Committee reviewed in detail each report and petition, each staff analysis, and heard oral presentations from the petitioning agencies and interested third parties before formulating its recommendations to the Secretary regarding the accrediting, or State approval, agencies.

The special procedure for reviewing agency petitions and interim reports will reduce the depth of review by the Advisory Committee of agencies that were awarded the full four year recognition period in their last review, and of agencies which have submitted interim reports. The Advisory Committee will use both staff analyses and public comment before submitting final recommendations to the Secretary regarding the listing of these agencies under 34 CFR Part 603.

This notice provides the names of the agencies being reviewed under this special procedure. The Department's Eligibility and Agency Evaluation Staff has prepared analyses of the petitions and reports of these agencies according to the criteria in 34 CFR 603.6 and 34 CFR 603.24, and has prepared proposed recommended actions on them.

The public is offered an opportunity to comment on these analyses before the Advisory Committee makes final recommendations to the Secretary.

The reports and petitions of the following agencies are being reviewed:

Interim Reports

American Association for Marriage and Family Therapy, Commission on Accreditation for Marriage and Family Therapy Education.

Proposed Recommendation: Accept the report as satisfactory.

New York State Board of Regents.

Proposed Recommendation: Accept the report as satisfactory.

Petitions for Continuation of Recognition

Accreditation Board for Engineering and Technology, Inc.

Proposed Recommendation: Continue recognition for four years. Request an interim report in two years regarding improvement in compliance with criteria (a)(3)(iii)(A) (self-analysis) and (b)(5) (assessment of validity and reliability of standards).

American Board of Funeral Service Education, Committee on Accreditation

Proposed Recommendation: Continue recognition for a period of four years. Request an interim report in two years concerning full compliance with criteria (a)(2)(ii) (fiscal management), (b)(2)(ii)(D) (publication of affiliations of members of policy and decision-making bodies), (b)(2)(iii) (notice of standards revision—providing opportunity for comment), (b)(2)(iv) (complaint review procedure), (b)(3)(vii) (providing notice of right to appeal), (b)(4) (fostering nondiscrimination), and (b)(5) (assessment of validity and reliability of standards).

Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission

Proposed Recommendation: Continue recognition for four years. Request an interim report in one year regarding improvement in compliance with (a)(3)(iii) (A) and (B) (self-analysis and guidance to institutions), and (b)(5) (assessment of validity and reliability of standards).

National Association of Schools of Art and Design, Commission on Accreditation and Membership

Proposed Recommendation: Continue recognition for four years. Request an interim report in two years concerning compliance with criteria (b)(3)(viii)(C) (provide chief executive officer with a written decision of appeal body), and (b)(5) (assessment of validity and reliability of accreditation standards).

National Association of Schools of Music

Proposed Recommendation: Continue recognition for four years. Request an interim report in two years on improved compliance with criteria (b)(3)(viii)(C) (supplying institution with written decision of appeal body, including specifics), and (b)(5) (assessment of validity and reliability of standards).

Iowa State Board of Public Instruction

Proposed Recommendation: Continue recognition for four years.

Invitation to Comment

A copy of the analysis of any of the reports and petitions submitted by the agencies listed in this notice may be obtained from Dr. L. W. Friedrich.

Dated: July 21, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-20147 Filed 7-22-82; 9:51 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves contractual arrangements under which DOE will consent, if requested, to the assignment of 100,000 separative work units from uranium enrichment services contracts held by U.S. utilities to the Kyushu Electric Power Co., Japan, in fiscal year 1988.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: July 19, 1982.

For the Department of Energy.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82-20015 Filed 7-22-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between U.S. and European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the following transfer of special nuclear materials of United States origin, or of special nuclear materials produced through the use of materials of United States origin, as follows: From Switzerland to France (Compagnie Generale des Matieres Nucleaires) for the purpose of reprocessing, 190 irradiated fuel assemblies, containing 58,910 kilograms of uranium, enriched to 1.0% in U-235, and 535 kilograms of plutonium from the Beznau Power Stations I and II. This subsequent arrangement is designated at rtd/UE(SD)-41.

The Department of Energy has received letters of assurance from the Government of Switzerland that the recovered uranium and plutonium will be stored in France, and will not be transferred from France, nor put to any use, without the prior consent of the United States Government.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: July 20, 1982.

For the Department of Energy.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82-20035 Filed 7-22-82; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Prepare an Environmental Assessment on the Muddy Ranch Point of Delivery

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice to prepare an environmental assessment on the Muddy Ranch Point of Delivery.

SUMMARY: In response to a request by Wasco Electric Cooperative (WEC, a preference customer of BPA) for a new point of delivery at its proposed Muddy Ranch Substation, BPA proposes to provide instrument transformers and 12.5-kV metering facilities at a cost of $20,000. As connected actions, in addition to constructing a new substation, WEC proposes to construct a 6.8-mile, 115-kV tapline operated at 69-kV, connecting the Columbia Power Cooperative Association's Antelope-Fossil 69-kV line; underbuild their 7.2/12.5-kV distribution line on the 115-kV tapline; and install a three-way switch at the tap point. WEC's substation facilities include a 115/69-12.5-kV, 10-MVA transformer. In a connected action, the Bureau of Land Management (BLM) will grant a right-of-way permit for the transmission line, and BPA will be requested to review the application.

The environmental assessment will be used to determine if a draft environmental impact statement will be prepared or if a finding of no significant impact is appropriate.

SUPPLEMENTARY INFORMATION: WEC is a requirements customer of BPA whose existing power sales contract expires in January 1990. It currently serves over 3,300 customers in the north central Oregon area. In 1981, its winter peakload was 18,546 kW and its summer peakload was 16,481 kW.

WEC's proposed Muddy Ranch Substation is in response to a request to serve the Muddy Ranch Project, a development of the Rajneesh International Foundation, which is presently applying for township status in Wasco County, Oregon. In addition to incorporating a town on the ranch during the next year or two, the Foundation plans to put approximately 12,000 acres under cultivation. The Foundation is seeking necessary permits for incorporation and development from the appropriate State, county, and local agencies.

By agreeing to provide metering points at the substation, BPA will add a new Muddy Ranch point of delivery as a contract amendment to the power sales contract with Wasco Electric Cooperative. As a requirements customer, WEC is entitled to receive Federal power from BPA to serve its loads, up to a specified amount (25 average MW). The proposal to provide a point of delivery at a new Muddy Ranch Substation with associated metering facilities is the most efficient way to provide this service. BPA, therefore, has no discretion except to provide the requested services. However, BPA does have some discretion on how and where the services will be provided and, therefore, could influence the substation and transmission line location. The environmental assessment will address

the impacts associated with BPA's discretionary actions related to this project.

FOR FURTHER INFORMATION CONTACT: Anthony Morrell, Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208; telephone (503) 230–5136.

Issued in Portland, Oregon, July 13, 1982.

Peter T. Johnson,

Administrator.

[FR Doc. 82–20013 Filed 7–22–82; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Intercoastal Oil Corp.; Proposed Remedial Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed remedial order to Intercoastal Oil Corporation and opportunity for objection.

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that a Proposed Remedial Order was issued on July 9, 1982 to Intercoastal Oil Corporation (IOC), P.O. Box 5413, Long Beach, California 90805. Any aggrieved person may file a Notice of Objection to the PRO in accordance with 10 CFR 205.193 by the fifteenth day following publication of this notice.

In the Proposed Remedial Order, ERA sets forth proposed findings of fact and conclusions of law concerning IOC's resales of crude petroleum and refined products under the reseller pricing rules in 10 CFR Part 212, Subpart F between November 1973 and December 1975.

IOC is alleged to have violated 10 CFR 212.10(a), 212.93(a) and 212.111 by selling crude oil, No. 2 diesel fuel, and No. 4 fuel oil at prices in excess of Maximum Lawful Selling Prices. The overcharges, totaling $345,288.53, resulted from IOC's failure to set its prices by reference to prices charged at the nearest comparable outlet on the day when the item was first offered for sale, as provided in 10 CFR 212.111(b)(3). As a remedy, IOC would be required to refund the overcharges with interest. The refund amounts will be held by DOE pending the determination of a suitable disposition of the funds.

Aggrieved persons may object to this Proposed Remedial Order by filing a "Notice of Objection to the Proposed Intercoastal Oil Corporation Remedial Order." This notice must comply with the requirements of 10 CFR 205.193. To be considered, a Notice of Objection must be filed with the Office of Hearings and Appeals, Department of Energy, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

The notice must be filed, in duplicate, by 4:30 p.m. EDT on or before the fifteenth day following publication of this notice, or the first Federal workday thereafter. In addition, a copy of the Notice of Objection must, on the same day as filed, be served on IOC and on each of the following persons, pursuant to 10 CFR 205.193(c): Assistant General Counsel for Administrative Litigation, Office of General Counsel, U.S. Department of Energy, 1000 Independence Avenue, S.W., Room 6E–066, Washington, D.C. 20585.

No data or information which is confidential shall be included in any Notice of Objection.

Issued in San Franciso, California, on the 9th day of July 1982.

Patrick J. O'Hern,

Director, San Francisco Office, Economic Regulatory Administration.

[FR Doc. 82–20018 Filed 7–22–82; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Volume 690]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 15, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
ARKANSAS OIL & GAS COMMISSION									
-ARKLA EXPLORATION COMPANY				RECEIVED:	06/28/82	JA: AR			
8240261		0313110123	103			TYLER #1-25	BONANZA	490.0	ARKANSAS LOUISIAN
-C & K PETROLEUM INC				RECEIVED:	06/28/82	JA: AR			
8240259		0311510135	103			MORLEY #6-1	MORELAND	336.0	ARKANSAS LOUISIAN
8240260		0311510140	103			REAVIS #1	MORELAND	215.5	ARKANSAS LOUISIAN
LOUISIANA OFFICE OF CONSERVATION									
-AMINOIL OF LOUISIANA INC				RECEIVED:	06/25/82	JA: LA			
8240092	82-819	1707522779	103			E COCKRELL JR #139	LAKE WASHINGTON	0.0	SOUTHERN NATURAL
-ANOCO PRODUCTION CO				RECEIVED:	06/25/82	JA: LA			
8240134	81-2546	1702321545	103			GULF LAND A R/A B #221	EAST HACKBERRY	18.0	VALLEY GAS TRANSM
8240137	82-643	1705721729	103			HARANG ET AL R/A B #41-D	VALENTINE	38.0	COLUMBIA GAS TRAN
8240117	81-2604	1710121122	103			LAWS REALTY CO INC #75	CHARENTON	330.0	TEXAS GAS TRANSMI
-BENGAL OIL & GAS INC				RECEIVED:	06/25/82	JA: LA			
8240193	82-531	1707321849	103			MYHRE #1	MONROE	18.0	UNITED GAS PIPE L
8240194	82-532	1707321846	103			MYHRE #2	MONROE	18.0	UNITED GAS PIPE L
-BETHLAM PRODUCTION CORP				RECEIVED:	06/25/82	JA: LA			
8240098	82-945	1707321674	108			EAST OUACHITA RECREATION DIST #1	MONROE GAS FIELD	6.1	UNITED GAS PIPE L
8240099	82-946	1707321659	108			EAST OUACHITA RECREATION DIST #2	MONROE GAS FIELD	6.1	UNITED GAS PIPE L
8240163	82-942	1707321572	108			GRANT A #7	MONROE GAS FIELD	5.7	GAS TRANSPORTATIO
8240146	82-851	1706721677	103			J 2 RANCH B #1	MONROE GAS FIELD	45.6	GEORGIA PACIFIC C
8240167	82-857	1706721678	103			J 2 RANCH B #2	MONROE GAS FIELD	54.8	GEORGIA PACIFIC C
8240097	82-944	1707321704	108			OSTERLAND PENNZOIL A #1	MONROE GAS FIELD	4.6	UNITED GAS PIPE L
8240114	82-957	1707321401	108			OUACHITA PARISH SCHOOL BOARD #2	MONROE	10.0	UNITED GAS PIPE L
8240113	82-958	1707321402	108			OUACHITA PARISH SCHOOL BOARD #3	MONROE	10.0	UNITED GAS PIPE L
8240131	82-959	1707321418	108			OUACHITA PARISH SCHOOL BOARD #4	MONROE	10.0	UNITED GAS PIPE L
8240161	82-943	1707321645	108			PECAN BAYOU LAND CORP #1	MONROE GAS FIELD	7.0	UNITED GAS PIPE L
-CAPITAL GAS INC				RECEIVED:	06/25/82	JA: LA			
8240100	82-846	1707300624	108			HSU 879 LEE #1	MONROE	7.0	IMC PIPELINE CO I
-CRESCENT DRILLING CO INC				RECEIVED:	06/25/82	JA: LA			
8240101	82-847	1707321832	108			CRESCENT DRILLING CO #5	MONROE GAS	5.5	UNITED GAS PIPE L
8240102	82-848	1707321833	108			CRESCENT DRILLING CO NO 6	MONROE GAS	5.5	UNITED GAS PIPE L
-CUSTER K PRINDS & H J NICHOLAS ASSO				RECEIVED:	06/25/82	JA: LA			
8240093	82-947	1711102508	108			D RABUN SMITH #1	MONROE	1.0	IMC PIPELINE CO I
-DEWEY WHITE				RECEIVED:	06/25/82	JA: LA			
8240174	82-690	1708320540	108			L E JOHNSTON #2	RICHLAND	6.3	MID LOUISIANA GAS
-ELGIE CO INC				RECEIVED:	06/25/82	JA: LA			
*8240241	82-802	1701723512	103			N SONIAT #1 PXY SU 6	GREENWOOD-WASKOM	65.0	TEXAS EASTERN TRA
-FRANKS & BASS ETAL				RECEIVED:	06/25/82	JA: LA			
8240243	82-60	1706120241	103			COLVIN G #1 CVD RB SUA	UNIONVILLE	73.0	LOUISIANA GAS PUR

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-GAS RESOURCES INC				RECEIVED:	06/25/82	JA: LA			
8240105	82-762	1711122410		108		EXXON #14	MONROE GAS	12.0	IMC PIPELINE CO I
8240151	82-763	1711122391		108		EXXON #15	MONROE GAS	13.0	IMC PIPELINE CO I
8240148	82-764	1711122392		108		EXXON #16	MONROE GAS	9.0	IMC PIPELINE CO I
8240149	82-765	1711122393		108		EXXON #17	MONROE GAS	3.0	IMC PIPELINE CO I
8240212	82-766	1711122502		108		EXXON #18	MONROE GAS	13.0	IMC PIPELINE CO I
8240209	82-767	1711122500		108		EXXON #19	MONROE GAS	3.0	IMC PIPELINE CO I
8240210	82-768	1711122544		108		EXXON #20	MONROE GAS	10.0	IMC PIPELINE CO I
8240221	82-769	1711122849		108		EXXON #22	MONROE GAS	18.0	IMC PIPELINE CO I
-GAS TRANSPORTATION CORPORATION				RECEIVED:	06/25/82	JA: LA			
8240173	82-701	1707321737		108		DONALD #1	MONROE GAS FIELD	0.0	INTERNATIONAL MIN
-GATOR HAWK GAS CO				RECEIVED:	06/25/82	JA: LA			
8240103	82-0849	1711122738		108		BIRD #1	MONROE	12.0	IMC PIPELINE CO I
8240104	82-850	1711123135		108		BIRD #2	MONROE	12.0	IMC PIPELINE CO I
8240150	82-759	1711123301		108		BIRD #3	MONROE	12.0	IMC PIPELINE CO I
-GLENDA PETROLEUM CORP				RECEIVED:	06/25/82	JA: LA			
8240157	82-545	1707321507		103		PENNZOIL 4 #12 S/N 178453	MONROE	15.0	UNITED GAS PIPELI
8240123	82-0702	1707321495		103		PENNZOIL 5 #1 S/N 170612	MONROE	16.0	UNITED GAS PIPELI
8240213	82-703	1707321496		103		PENNZOIL 5 #2 S/N 170613	MONROE	16.0	UNITED GAS PIPELI
8240172	82-704	1707321497		103		PENNZOIL 5 #3 S/N 170614	MONROE	16.0	UNITED GAS PIPELI
8240214	82-705	1707321510		103		PENNZOIL 5 #6 S/N 170670	MONROE	16.0	UNITED GAS PIPELI
8240171	82-706	1707321512		103		PENNZOIL 5 #8 S/N 170672	MONROE	16.0	UNITED GAS PIPELI
8240215	82-501	1707321762		103		STEELE WILLIAMS #3 S/N 175152	MONROE	15.0	UNITED GAS PIPELI
8240228	82-500	1707321763		103		STEELE WILLIAMS #4 S/N 175153	MONROE	15.0	UNITED GAS PIPELI
-GULF OIL CORPORATION				RECEIVED:	06/25/82	JA: LA			
8240182	81-2842	1707522739		103		B L D "E" 156 VU 61	WEST BAY	110.0	TEXAS EASTERN TRA
8240186	81-2772	1707522707		103		SL 192 "PP" #144	WEST BAY	32.8	TEXAS EASTERN TRA
8240118	81-2605	1707522460		103		SL 195 QQ #283-D	QUARANTINE BAY	370.0	UNITED GAS PIPELI
-HADDOX PETROLEUM CORP				RECEIVED:	06/25/82	JA: LA			
8240218	82-940	1711121999		108		EXXON ARCO #3	MONROE	6.2	IMC PIPELINE CO I
8240220	82-938	1711121997		108		EXXON-ARCO #1	MONROE	6.2	IMC PIPELINE CO I
8240217	82-939	1711121998		108		EXXON-ARCO #2	MONROE	6.2	IMC PIPELINE CO I
8240222	82-936	1711121455		108		MEDLIN #2	MONROE	3.1	IMC PIPELINE CO I
8240219	82-937	1711121456		108		MEDLIN #3	MONROE	3.1	IMC PIPELINE CO I
8240162	82-941	1711123094		108		NORMAN #1	MONROE	13.1	IMC PIPELINE CO I
-IMC EXPLORATION COMPANY				RECEIVED:	06/25/82	JA: LA			
8240160	82-543	1707321856		103		MYHRE #6	MONROE	18.0	UNITED GAS PIPELI
8240136	82-645	1711123430		103		OLIN GAS TRANSMISSION CO #86	MONROE	12.0	IMC PIPELINE CO I
8240169	82-887	1711123335		108		PARKS # F-347	MONROE	15.0	IMC PIPELINE CO I
8240127	82-886	1711123350		108		PARKS #F-346	MONROE	15.0	IMC PIPELINE CO I
8240165	82-863	1707321393		108		UNION PRODUCING CO T #12	MONROE	20.0	IMC PIPELINE CO I
-KERR-MCGEE CORPORATION				RECEIVED:	06/25/82	JA: LA			
8240211	82-742	1772620223		103		S L 4409 #13	BRETON SOUND BLOCK 37	104.0	SOUTHERN NATURAL
-L & L ENERGYS INC				RECEIVED:	06/25/82	JA: LA			
8240159	82-539	1701722098		108		MUSLOW #5 SERIAL #153635	CADDO PINE ISLAND	0.0	UNITED GAS PIPELI
-LAMSON/ONSHORE PETROLEUM CORP				RECEIVED:	06/25/82	JA: LA			
8240180	81-2980	1702321488		103		RENA HEBERT #1	BIG LAKE	385.0	VALLEY GAS TRANSM
-LANKFORD & NANCE				RECEIVED:	06/25/82	JA: LA			
8240230	82-558	1711123302		108		BARR #4	MONROE	8.0	TEXAS GAS TRANSMI
8240229	82-562	1711123291		108		FROST #1	MONROE	6.0	TEXAS GAS TRANSMI
8240227	82-564	1711123232		108		FROST #10	MONROE	6.0	TEXAS GAS TRANSMI
8240242	82-563	1711123196		108		FROST #6	MONROE	2.0	TEXAS GAS TRANSMI
8240231	82-560	1711123304		108		PARDUE #1	MONROE	10.0	TEXAS GAS TRANSMI

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8240179	82-559	1711123303		108		PENNZOIL #1	MONROE	12.0	TEXAS GAS TRANSMI
8240224	82-561	1711123305		108		REPPOND #2	MONROE	8.0	TEXAS GAS TRANSMI
8240225	82-557	1711123292		108		S S REPPOND #1	MONROE	8.0	TEXAS GAS TRANSMI
8240232	82-556	1711123165		108		WILSON #1	MONROE	12.0	TEXAS GAS TRANSMI
-LINVILLE NATURAL GAS CO INC				RECEIVED:	06/25/82	JA: LA			
8240095	82-909	1711121313		108		EXXON #1	MONROE	5.0	IMC PIPELINE CO I
8240096	82-910	1711121314		108		EXXON #2	MONROE	7.0	IMC PIPELINE CO I
8240124	82-911	1711121315		108		EXXON #3	MONROE	11.0	IMC PIPELINE CO I
8240111	82-914	1711100524		108		HUMBLE UNIT #6	MONROE	4.0	IMC PIPELINE CO I
8240175	82-895	1711101239		108		P M TURNER ESTATE #2	MONROE	6.0	IMC PIPELINE CO I
8240126	82-893	1711100000		108		PERCY LOVE #1	MONROE	4.0	IMC PIPELINE CO I
8240125	82-892	1711100500		108		R D PILGREEN #1	MONROE	2.0	IMC PIPELINE CO I
8240168	82-894	1711101022		108		W C MORGAN #1	MONROE	2.0	IMC PIPELINE CO
-MARSHALL EXPLORATION INC				RECEIVED:	06/25/82	JA: LA			
8240164	82-868	1703121497		103		COLVIN-CRANER #1 U HOSS RA SUGG	BELLE BOWER	320.0	SOUTHERN NATURAL
8240109	82-772	1703121257		103		HORN #5 HOSS SUAA	LOGANSPORT	200.0	TENNESSEE GAS PIP
8240110	82-771	1703121386		103		LUCY HORN #1 L GR RA SUP	LOGANSPORT	190.0	TENNESSEE GAS PIP
8240145	82-770	1703121270		103		PAUL HOLMES #1 VUA	BELLE BOWER	73.0	ARKANSAS LOUISIAN
-MCRAE EXPLORATION INC				RECEIVED:	06/25/82	JA: LA			
8240139	82-642	1702120462		102-2		OLINKRAFT #1 HOSS RA SUG	COTTON PLANT	0.0	UNITED GAS PIPELI
-MID LOUISIANA GAS COMPANY				RECEIVED:	06/25/82	JA: LA			
8240119	82-929	1707321425		108		GTC- MLGC FEE GAS #11	MONROE GAS FIELD	14.8	MID LOUISIANA GAS
8240234	82-793	1707321394		108		GTC-MLGC FEE GAS #1	MONROE GAS FIELD	17.6	MID LOUISIANA GAS
8240122	82-928	1707321424		108		GTC-MLGC FEE GAS #10	MONROE GAS FIELD	14.8	MID LOUISIANA GAS
8240120	82-930	1707321426		108		GTC-MLGC FEE GAS #12	MONROE GAS FIELD	14.8	MID LOUISIANA GAS
8240132	82-602	1707321733		103		GTC-MLGC FEE GAS #16	MONROE GAS FIELD	20.0	MID LOUISIANA GAS
8240236	82-794	1707321395		108		GTC-MLGC FEE GAS #2	MONROE GAS FIELD	17.6	MID LOUISIANA GAS
8240235	82-795	1707321411		108		GTC-MLGC FEE GAS #3	MONROE GAS FIELD	14.8	MID LOUISIANA GAS
8240237	82-796	1707321412		108		GTC-MLGC FEE GAS #4	MONROE GAS FIELD	14.8	MID LOUISIANA GAS
8240238	82-797	1707321413		108		GTC-MLGC FEE GAS #5	MONROE GAS FIELD	14.8	MID LOUISIANA GAS
8240239	82-798	1707321414		108		GTC-MLGC FEE GAS #6	MONROE GAS FIELD	14.8	MID LOUISIANA GAS
8240240	82-799	1707321416		108		GTC-MLGC FEE GAS #7	MONROE GAS FIELD	14.8	MID LOUISIANA GAS
8240121	82-920	1707321423		108		GTC-MLGC FEE GAS #9	MONROE GAS FIELD	14.8	MID LOUISIANA GAS
8240129	82-603	1707321792		103		MLGC FEE GAS #1085	MONROE GAS FIELD	29.2	MID LOUISIANA GAS
8240130	82-604	1707321793		103		MLGC FEE GAS #1086	MONROE GAS FIELD	29.2	MID LOUISIANA GAS
8240138	82-605	1711123294		103		MLGC FEE GAS #1093	MONROE GAS FIELD	27.3	MID LOUISIANA GAS
-MIDWAY PRODUCTION CO				RECEIVED:	06/25/82	JA: LA			
8240187	82-777	1703218360		103		BLM #1	MONROE	9.0	IMC PIPELINE CO I
-MIDWAY PRODUCTION CO XII				RECEIVED:	06/25/82	JA: LA			
8240108	82-778	1707321805		108		LMB #1	MONROE	21.0	IMC PIPELINE CO I
8240106	82-779	1707321806		108		LMB #2	MONROE	15.0	IMC PIPELINE CO I
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	06/25/82	JA: LA			
8240112	82-919	1703100035		108		SPIDER #1 P SUE	SPIDER	0.0	SOUTHERN NATURAL
-POGO PRODUCING COMPANY				RECEIVED:	06/25/82	JA: LA			
8240184	81-2786	1772620207		102-2		SL 7896 #1	BRETON SOUND BLOCK 23	365.0	UNITED GAS PIPE L
-PRIMOS PRODUCTION CO				RECEIVED:	06/25/82	JA: LA			
8240201	82-575	1711122974		103		FROST LUMBER #42	MONROE	14.4	PETRO-LEWIS FUNDS
8240142	82-568	1711122953		103		PETRO LEWIS FROST LUMBER #34	MONROE	12.3	PETRO-LEWIS FUNDS
8240154	82-750	1711122954		103		PETRO LEWIS FROST LUMBER #36	MONROE	12.3	PETRO LEWIS FUNDS
8240253	82-571	1711122973		103		PETRO LEWIS FROST LUMBER #38	MONROE	15.4	PETRO LEWIS FUNDS
8240252	82-572	1711122955		103		PETRO LEWIS FROST LUMBER #39	MONROE	14.4	PETRO LEWIS FUNDS
8240199	82-573	1711122967		103		PETRO LEWIS FROST LUMBER #40	MONROE	17.5	PETRO LEWIS FUNDS
8240254	82-574	1711122956		103		PETRO LEWIS FROST LUMBER #41	MONROE	14.4	PETRO LEWIS FUNDS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8240200	82-576	1711122975		103		PETRO LEWIS FROST LUMBER #43	MONROE	13.3	PETRO LEWIS FUNDS
8240202	82-578	1711122985		103		PETRO LEWIS FROST LUMBER #49	MONROE	16.4	PETRO LEWIS FUNDS
8240248	82-579	1711122986		103		PETRO LEWIS FROST LUMBER #50	MONROE	14.4	PETRO LEWIS FUNDS
8240249	82-580	1711122998		103		PETRO LEWIS FROST LUMBER #51	MONROE	15.4	PETRO LEWIS FUNDS
8240203	82-601	1711123035		103		PETRO LEWIS FROST LUMBER #67	MONROE	16.4	PETRO LEWIS FUNDS
8240223	82-506	1711123178		103		PETRO LEWIS G A MCCORMICK #1	MONROE	0.0	PETRO LEWIS FUNDS
8240191	82-503	1711122913		103		PETRO LEWIS HOLLIS #4	MONROE	0.0	PETRO-LEWIS FUNDS
8240226	82-505	1711123155		103		PETRO LEWIS J S HANDY #3	MONROE	0.0	PETRO LEWIS FUNDS
8240187	82-510	1711123360		103		PETRO LEWIS LA GAS LANDS #1	MONROE	0.0	PETRO LEWIS FUNDS
8240152	82-756	1711123144		103		PETRO LEWIS MARY D WHEELER #3	MONROE	12.3	PETRO LEWIS FUNDS
8240250	82-587	1711123109		103		PETRO LEWIS UNION POWER #19	MONROE	16.4	PETRO LEWIS FUNDS
8240251	82-588	1711123110		103		PETRO LEWIS UNION POWER #20	MONROE	20.5	PETRO LEWIS FUNDS
8240204	82-589	1711123111		103		PETRO LEWIS UNION POWER #21	MONROE	20.5	PETRO LEWIS FUNDS
8240206	82-591	1711123112		103		PETRO LEWIS UNION POWER #24	MONROE	22.6	PETRO LEWIS FUNDS
8240153	82-757	1711123207		103		PETRO LEWIS UNION POWER #26	MONROE	12.3	PETRO LEWIS FUNDS
8240216	82-502	1711122898		103		PETRO-LEWIS C L MCKENNIE #1	MONROE	0.0	PETRO-LEWIS FUNDS
8240178	82-0507	1711123197		103		PETRO-LEWIS CONS COXLION #4	MONROE	0.0	PETRO LEWIS FUNDS
8240197	82-512	1711122904		103		PETRO-LEWIS FROST LUMBER #12	MONROE	20.5	PETRO-LEWIS FUNDS
8240195	82-513	1711122949		103		PETRO-LEWIS FROST LUMBER #30	MONROE	10.3	PETRO LEWIS FUNDS
8240196	82-514	1711122950		103		PETRO-LEWIS FROST LUMBER #31	MONROE	14.4	PETRO LEWIS FUNDS
8240147	82-566	1711122951		103		PETRO-LEWIS FROST LUMBER #32	MONROE	15.4	PETRO LEWIS FUNDS
8240143	82-567	1711122952		103		PETRO-LEWIS FROST LUMBER #33	MONROE	16.4	PETRO-LEWIS FUNDS
8240148	82-569	1711122972		103		PETRO-LEWIS FROST LUMBER #35	MONROE	12.3	PETRO-LEWIS FUNDS
8240144	82-570	1711122964		103		PETRO-LEWIS FROST LUMBER #37	MONROE	14.4	PETRO LEWIS FUNDS
8240245	82-577	1711122976		103		PETRO-LEWIS FROST LUMBER #4	MONROE	225.0	PETRO LEWIS FUNDS
8240246	82-581	1711123426		103		PETRO-LEWIS FROST LUMBER #52	MONROE	24.7	PETRO-LEWIS FUNDS
8240247	82-582	1711122965		103		PETRO-LEWIS FROST LUMBER #53	MONROE	226.5	PETRO LEWIS FUNDS
8240189	82-596	1711123052		103		PETRO-LEWIS FROST LUMBER #61	MONROE	12.3	PETRO LEWIS FUNDS
8240190	82-597	1711123053		103		PETRO-LEWIS FROST LUMBER #62	MONROE	14.4	PETRO LEWIS FUNDS
8240207	82-598	1711123054		103		PETRO-LEWIS FROST LUMBER #63	MONROE	12.3	PETRO-LEWIS FUNDS
8240208	82-599	1711123055		103		PETRO-LEWIS FROST LUMBER #64	MONROE	12.3	PETRO LEWIS FUNDS
8240188	82-600	1711123034		103		PETRO-LEWIS FROST LUMBER #66	MONROE	14.4	PETRO-LEWIS FUNDS
8240198	82-511	1711122890		103		PETRO-LEWIS FROST LUMBER #9	MONROE	14.4	PETRO-LEWIS FUNDS
8240177	82-509	1711123200		103		PETRO-LEWIS H P REALDON #3	MONROE	0.0	PETRO-LEWIS FUNDS
8240128	82-876	1711122938		103		PETRO-LEWIS NOLAN HEIRS #6	MONROE	14.4	PETRO-LEWIS FUNDS
8240205	82-590	1711122997		103		PETRO-LEWIS UNION POWER #23	MONROE	12.3	PETRO LEWIS FUNDS
8240155	82-755	1711123141		103		PETRO-LEWIS UNION PRODUCING #4	MONROE	14.4	PETRO-LEWIS FUNDS
8240192	82-504	1711123143		103		PETRO-LEWIS UNION PRODUCING #6	MONROE	0.0	PETRO-LEWIS FUNDS
-REMUDA OIL & GAS CO				RECEIVED:		06/25/82 JA: LA			
8240133	81-2530	1708120336		103		BEARDEN-VINCENT #1	RED RIVER BULL BAYOU	43.0	LUMAR GAS GATHERI
-ROBERSON WELL SERVICE				RECEIVED:		06/25/82 JA: LA			
8240894	82-946	1707321678		108		PENNZOIL 152 #1	MONROE	15.0	UNITED GAS PIPE L
-SUCCESS OIL & GAS CO INC				RECEIVED:		06/25/82 JA: LA			
8240166	82-861	1710933022		108		JACK T BIRD #2	MONROE	1.0	IMC PIPELINE CO I
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		06/25/82 JA: LA			
8240176	82-2950	1702321657		107-DP		LACASSANE CO B #7 VUA	LACASSINE REFUGE	863.0	NATURAL GAS PIPEL
-TEXACO INC				RECEIVED:		06/25/82 JA: LA			
8240170	82-1168	1701722870		102-4	103	ANNIE NORTON #1 HOSS RB SUF	CADDO-PINE ISLAND	365.0	ARKANSAS LOUISIAN
8240116	81-2726	1710922381		103		DGL EE RU SU U12 #70	DOG LAKE	10.0	TEXAS GAS TRANSMI
8240115	82-1169	1701722927		102-4	103	E N ROSS #1 HOSS RB SUE	CADDO-PINE ISLAND	70.0	ARKANSAS LOUISIAN
8240185	81-2779	1710922310		103		LB U-32 #28 VU 32	LAKE BARRE	416.0	KAISER ALUMINUM &
8240244	82-128	1710922466		107-DP		LB U23 #16 VU 23	LAKE BARRE	1555.0	
8240141	82-657	1710121046		103		SL 1819 #5 10900 RA SUB	SWEET BAY LAKE	1640.0	KAISER ALUMINUM &

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8240183	81-2832	1710922240		102-4		SL 188 CI #694 CI L 15000 R008 SU	CAILLOU ISLAND	178.0	KAISER ALUMINUM &
8240135	81-2601	1710922404		103		SL 301 TERREBONNE BAY #358	CAILLOU ISLAND	100.0	KAISER ALUMINUM &
8240181	81-2971	1710922286		103		SL 301 TERREBONNE BAY 360	CAILLOU ISLAND	1000.0	KAISER ALUMINUM &
-WELLS-BATTELSTEIN OIL & GAS INC				RECEIVED:	06/25/82	JA: LA			
8240158	82-547	1707321845		103		W H THOMPSON #1	MONROE GAS	25.0	I M C PIPELINE CO
8240233	82-548	1711123439		103		W W NOLAN #1	MONROE	50.0	WEST MONROE GAS G
8240156	82-549	1711123440		103		W W NOLAN #2	MONROE	38.0	WEST MONROE GAS G
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OKLAHOMA CORPORATION COMMISSION									
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-APOLLO PRODUCTION LTD				RECEIVED:	06/28/82	JA: OK			
8240267	17175	3507323366		102-4	103	LORENZ AHLDEN #28-5	NE OKARCHE	445.0	
-B & W OIL CO				RECEIVED:	06/28/82	JA: OK			
8240287	15026	3510121192		103		KATIE #1	SE SE SE 26-15N-15E M	68.8	PHILLIPS PETROLEU
-C J CASSELMAN				RECEIVED:	06/28/82	JA: OK			
8240278	14882	3511123348		103		BELISLE #1-B	MORRIS	18.3	
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	06/28/82	JA: OK			
8240282	14993	3509322412		103		J R FOSTER #2	E CHANEY DELL	33.0	UNION TEXAS PETRO
8240277	14666	3509300000		103		META KOEHN #2	E CHANEY DELL	87.0	UNION TEXAS PETRO
-CHASE EXPLORATION CORP				RECEIVED:	06/28/82	JA: OK			
8240290	12376	3507121035		108		BORTH #1-7	UNNAMED	1.0	CITIES SERVICE GA
-CIMARRON MANAGEMENT CORP				RECEIVED:	06/28/82	JA: OK			
8240280	14990	3511721328		103		WARD #4-A	HALLETT	37.0	
8240281	14991	3511721342		103		WARD #4-3	HALLETT	183.0	
-COBRA OIL AND GAS CORPORATION				RECEIVED:	06/28/82	JA: OK			
8240265	16928	3515332130		102-4	103	BOYLE "13" #1		456.0	NORTHERN NATURAL
-CONOCO INC				RECEIVED:	06/28/82	JA: OK			
8240271	15076	3509920315		103		COLLIE JAMES #5	S W SANDY CREEK	352.0	MUSTANG FUEL CORP
-DAVIS OIL COMPANY				RECEIVED:	06/28/82	JA: OK			
8240289	15031	3501121601		103		MEL #1	HACKBERRY	0.0	TRANSOK PIPELINE
-ECC OIL CO				RECEIVED:	06/28/82	JA: OK			
8240291	12286	3514721525		102-2		MITCHELL 1 A-1 SW/4 NE/4 2-27N-13E	EAST DEWEY	270.0	OKAN GAS CO
-F C D OIL CORP				RECEIVED:	06/28/82	JA: OK			
8240270	15073	3500320870		103		STOOKEY 2-18	RINGWOOD	36.5	CHAMPLIN PETROLEU
-H & O ENERGY MANAGEMENT INC				RECEIVED:	06/28/82	JA: OK			
8240268	17559	3532723685		102-4		REECE #1	NORTHWEST NOBLE	8.0	SUN GAS CO
-HAMILTON BROTHERS OIL CO				RECEIVED:	06/28/82	JA: OK			
8240266	16963	3504520936		102-4		PARKER #1-23	WILDCAT	365.0	UNITED GAS PIPELI
-HAWKINS OIL & GAS INC				RECEIVED:	06/28/82	JA: OK			
8240269	15072	3500722133		103		DESPER #1-34	FLORIS	165.0	
-HIGHLANDS GODDALL & GREER INC				RECEIVED:	06/28/82	JA: OK			
8240292	08059	3505320563		102-2		WIDENER #1	NE GRANT POND CREEK	0.0	CRA INC
-JOE L THOMPSON INC				RECEIVED:	06/28/82	JA: OK			
8240262	17554	3507122367		102-4	103	ONA #1		637.3	
-JOHN R THOMPSON OPERATING INC				RECEIVED:	06/28/82	JA: OK			
8240279	14972	3511122121		103		SIMS 2A	SW SW SE SEC 35 TWP 1	14.6	PHILLIPS PETROLEU
-M & S OIL CO				RECEIVED:	06/28/82	JA: OK			
8240294	12868	3514700000		102-2		PISARRA A #1	WAYSIDE	12.0	COON CREEK GAS IN
8240293	12867	3514700000		102-2		SCUDDER-DUNAWAY #1	WAYSIDE	30.0	COON CREEK GAS IN
8240276	12869	3514700000		102-2		SCUDDER-PRIEST #1	WAYSIDE	42.0	COON CREEK GAS IN
-MACKELLAR INC				RECEIVED:	06/28/82	JA: OK			
8240284	15008	3510320852		103		JOHN #1	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
8240286	15010	3507322034		103		MUSICK #1	SOONER TREND	0.0	CITIES SERVICE GA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8240285	15009	3510321193		103		WILLIAMS #2	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
-PELTO OIL CO				RECEIVED:	06/28/82	JA: OK			
8240263	17555	3507122236		102-4	103	EASTERDAY #1		309.9	
-RED EAGLE OIL CO				RECEIVED:	06/28/82	JA: OK			
8240273	15081	3509322313		103		BERTHA #1	WEST FAIRVIEW	36.0	PHILLIPS PETROLEU
-RONALD W SUMMERS				RECEIVED:	06/28/82	JA: OK			
8240264	15084	3510525168		103		KING #1		3.7	FUEL PRODUCTS INC
8240275	15083	3510525169		103		KING #2		5.5	FUEL PRODUCTS INC
8240274	15082	3510525170		103		KING #3		3.7	FUEL PRODUCTS INC
-SAMSON RESOURCES COMPANY				RECEIVED:	06/28/82	JA: OK			
8240255	19359	3500700000		108		DILLON LONKER #1	MOCANE-LAVERNE	19.8	CITIES SERVICE GA
-TRANSIERRA EXPLORATION CORP				RECEIVED:	06/28/82	JA: OK			
8240272	15079	3510321438		103		FLORIS DAYTON #1	TRANSIERRA-CINNAMON F	16.0	AMINOIL USA INC
-VULCAN ENERGY CORP				RECEIVED:	06/28/82	JA: OK			
8240288	15027	3507322883		103		PENNER #1	SOONER TREND	11.0	PHILLIPS PETROLEU
-W & W EXPLORATION INC				RECEIVED:	06/28/82	JA: OK			
8240283	15006	3510700000		103		BETA II	LAFOON	45.0	KERR - MCGEE CORP

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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM

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-AMOCO PRODUCTION CO				RECEIVED:	06/28/82	JA: NM 4			
8240258	NM 0934-81	3004508575	D	108		HEATH GAS COM "J" #1 (2ND)	BASIN DAKOTA	25.0	EL PASO NATURAL G
-SUPRON ENERGY CORPORATION				RECEIVED:	06/28/82	JA: NM 4			
8240256	NM 0972-81	3004511084	D	108		NORDHAUS #7	BLANCO MESAVERDE	23.4	SOUTHERN UNION GA
-TENNECO OIL COMPANY				RECEIVED:	06/28/82	JA: NM 4			
8240257	NM 0961-81	3004500000	D	108		LODEWICK #3	BASIN DAKOTA	20.0	SOUTHERN UNION GA

OTHER PURCHASERS VOLUME NO :690

8240241 ARKANSAS LOUISIANA GAS CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MHCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 10 CFR 275.203 and 275.204, file a protest with the Commission on or before August 9, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–19891 Filed 7–22–82; 8:45 am]

BILLING CODE 6717–01–M

Issued: July 15, 1982

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** OHIO DEPARTMENT OF NATURAL RESOURCES **********									
-AGNES BEISSER GAS & OIL			RECEIVED: 06/28/82			JA: OH			
8240298		3416722579	108			BEISSER #1		3.0	VALENTINE OIL CO
-AMERICAN WAY PRODUCTION INC			RECEIVED: 06/28/82			JA: OH			
8240295		3415321063	103	107-TF		TRYBOWSKI-PERDION UNIT #1	BOSTON HEIGHTS	0.0	POI ENERGY INC
-APPALACHIAN ENERGY INC			RECEIVED: 06/28/82			JA: OH			
8240296		3401320336	103			CHARLES CARUTH #1 AE-183	PULTNEY	25.0	COLUMBIA GAS TRAN
8240297		3401320348	103			HERMAN PFRONGER #1 AE-193	PEASE	25.0	COLUMBIA GAS TRAN
-B T SIMPSON JR			RECEIVED: 06/28/82			JA: OH			
8240714		3407534950	103			GLASGO WELL #2	NASHVILLE	70.0	COLUMBIA GAS TRAN
-BARCLAY PETROLEUM INC			RECEIVED: 06/28/82			JA: OH			
8240406		3416923282	103	107-TF		L ELSER #2	WEST SALEM	7.5	COLUMBIA GAS TRAN
-BELDEN & BLAKE OIL PRODUCTION			RECEIVED: 06/28/82			JA: OH			
8240324		3415122678	108			A & M ORAVEC COMM #1 1-0788		3.0	
8240367		3415123036	108			A & R SCHAEFER COMM #1 1-0887		3.0	
8240302		3401920836	108			A MASTRIOANNI #1 1-0744		3.0	
8240328		3415122736	108			C & J WEISENT COMM #1 1-0795		3.0	
8240363		3415123027	108			C & L LINERODE COMM #1 1-0884		3.0	
8240351		3415122917	108			C & M SHILLING #3 1-0866		3.0	
8240321		3415122508	108			C & M STUMP COMM #1 1-0713		3.0	
8240357		3415122947	108			C J SWEITZER COMM #1 1-0874		3.0	
8240304		3401921252	108			C KRETZINGER COMM #1 1-0855		3.0	
8240370		3415123102	108			CANTON VOL FIRE COMM #1 1-0926		3.0	
8240380		3415722993	108			D & B BECKER #1 1-0811		3.0	
8240362		3415123026	108			D & J GABLER COMM #1 1-0886		3.0	
8240374		3415123251	108			D & M REAM #1 1-0961		3.0	
8240329		3415122737	108			D & M REED COMM #1 1-0796		3.0	
8240347		3415122871	108			E & B SPELLMAN COMM #1 1-0853		3.0	NOT YET DETERMINE
8240360		3415122951	108			E & M HARROLD #1 1-0873		3.0	
8240383		3415723230	108			FALL SPRINGS LAKE COMM #1 1-0859		3.0	
8240375		3415123285	108			FRANKLIN REAL EST COMM #3 1-0971		3.0	
8240355		3415122945	108			FRITCHLEY #4 1-0863		3.0	
8240306		3415121801	108			FRITCHLEY COMM #1 1-0516		3.0	
8240346		3415122858	108			FRITCHLEY COMM #2 1-0845		3.0	
8240307		3415122034	108			FRY ANGLE #3 1-0694		3.0	
8240385		3415723392	108			FRY-ANGLE #4 1-0902		3.0	
8240359		3415122950	108			G & L MARCHAND #2 1-0869		3.0	
8240330		3415122746	108			G & L MARCHAND COMM #1 1-0798		3.0	
8240358		3415122948	108			G & V GARREN COMM #2 1-0876		3.0	
8240381		3401920810	108			G DOWELL #2 1-0731		3.0	
8240365		3415123029	108			H & M MYERS #1 1-0892		3.0	
8240310		3415122231	108			H & M RUGANI #1 1-0602		3.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8240352		3415122920		108		H & M TESSMER #1 1-0849		3.0	
8240377		3415123443		108		H & M TESSMER #2 1-0921		3.0	
8240356		3415122946		108		J & C HORNER COMM #1 1-0871		3.0	
8240376		3415123287		108		J & L MAARSCHALK #2 1-0984		3.0	
8240323		3415122652		108		J & L MCCREERY #1		3.0	
8240305		3415121521		108		J & S DAVIS #2 1-0933		3.0	
8240372		3415123195		108		J & S DAVIS #3 1-0956		3.0	
8240338		3415122787		108		J HERSHBERGER #1 1-0833		3.0	
8240341		3415122790		108		J HERSHBERGER COMM #2 1-0834		3.0	
8240319		3415122505		108		J HOWENSTINE #3 1-0709		3.0	
8240339		3415122788		108		J MCCONAGHY COMM #1 1-0832		3.0	
8240344		3415122855		108		K & D VAUGHAN #1 1-0844		3.0	
8240361		3415123025		108		K & H ZELLERS #3 1-0889		3.0	
8240349		3415122892		108		K & R WENGER #1 1-0856		3.0	
8240325		3415122725		108		K HILL #1 1-0793		3.0	
8240373		3415123249		108		L & G POHARESKY COMM #1 1-0947		3.0	
8240336		3415122774		108		L D KRABILL #1 1-0815		3.0	
8240331		3415122757		108		M & A DONAT COMM #1 1-0805		3.0	
8240335		3415122772		108		M & C ROYER #2 1-0807		3.0	
8240353		3415122925		108		M & C YODER 1-0848		3.0	
8240303		3401921016		108		M MASTROINE #1 1-0771		3.0	
8240348		3415122872		108		M WELTY COMM #1 1-0867		3.0	
8240366		3415123030		108		MAGNOLIA MINING #10 1-0881		3.0	
8240308		3415122171		108		MAGNOLIA MINING #4 1-0579		3.0	
8240309		3415122179		108		MAGNOLIA MINING #5 1-0583		3.0	
8240313		3415122371		108		MAGNOLIA MINING #6 1-0679		3.0	
8240314		3415122377		108		MAGNOLIA MINING #7 1-0681		3.0	
8240317		3415122492		108		MAGNOLIA MINING #8 1-0699		3.0	
8240320		3415122503		108		MAGNOLIA MINING COMM #9 1-0712		3.0	
8240312		3415122366		108		MEHL YOUNG COMM #4 1-0675		3.0	
8240343		3415122843		108		O & K MILLER #1 1-0835		3.0	
8240322		3415122591		108		O RICE COMM #1 1-0747		3.0	
8240316		3415122485		108		R & E BROWN COMM #1 1-0696		3.0	
8240337		3415122776		108		R & I HARTLINE COMM #1 1-0804		3.0	
8240334		3415122771		108		R & I HARTLINE COMM #2 1-0812		3.0	
8240333		3415122759		108		R & M WILSON COMM #1 1-0800		3.0	
8240299		3401920712		108		R & O SMITH #3 1-0697		3.0	
8240300		3401920711		108		R & O SMITH #4 1-0698		3.0	
8240340		3415122789		108		R BALTZLEY COMM #1 1-0831		3.0	
8240382		3415723223		108		R BALTZLY #2 1-0865		3.0	
8240381		3415723222		108		R MEEK #1 1-862		3.0	
8240384		3415723284		108		R ROBERTS COMM #1 1-0875		3.0	
8240379		3415722975		108		R SMITH COMM #2 1-0803		3.0	
8240371		3415123115		108		ROHRER-VAUGHAN #3 1-0940		3.0	
8240327		3415122734		108		SHULTZ #1 1-0802		3.0	
8240368		3415123042		108		SPRINGWOOD LAKE #1 1-0896		3.0	
8240354		3415122944		108		V & O PITTIS COMM #1 1-0872		3.0	
8240342		3415122841		108		VAUGHAN H & S COMM #1 1-0840		3.0	
8240369		3415123086		108		W & I SLUSSER COMM #1 1-0911		3.0	
8240318		3415122498		108		W & N BLACKMER COMM #2 1-0850		3.0	
8240364		3415123028		108		W & P AMES COMM #1 1-0891		3.0	
8240332		3415122758		108		W & Z WENGER COMM #1 1-0821		3.0	
8240378		3415722918		108		W BIXLER #1 1-0797		3.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8240315		3415122463		108		W BOWMAN #10 1-0688		3.0	
8240311		3415122293		108		W BOWMAN COMM #7 1-0630		3.0	
8240350		3415122983		108		W WEFLER #5 1-0861		3.0	
8240345		3415122856		108		WALTER BALTZLY #1 1-0817		3.0	
8240326		3415122733		108		1-0810 J STANFORTH COMM #1 1-0810		3.0	
-BERWELL ENERGY INC				RECEIVED:	06/28/82	JA: OH			
8240386		3408323053		103		E BROWN #1	BRINKHAVEN	14.4	OHIO CUMBERLAND G
8240387		3408323054		103		E BROWN #2	BRINKHAVEN	10.8	OHIO CUMBERLAND G
-BUCKEYE CRUDE EXPLORATION INC				RECEIVED:	06/28/82	JA: OH			
8240409		3400922159		107-TF		JOHNSON #10	AMES	1.0	COLUMBIA GAS TRAN
8240407		3400922128		107-TF		JOHNSON #7	AMES	3.6	COLUMBIA GAS TRAN
8240408		3400922129		107-TF		JOHNSON #9	AMES	12.0	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO				RECEIVED:	06/28/82	JA: OH			
8240410		3410321808		108		D K & G BRIGGS #2-1		0.2	COLUMBIA GAS TRAN
8240412		3410321810		108		J L SLAYTON #2-3		0.2	COLUMBIA GAS TRAN
8240413		3411121996		107-DV		OLIVE & CLARENCE ROE #1	SENECA	10.0	COLUMBIA GAS TRAN
8240411		3410321809		108		SLAYTON UNIT #2-2 (BRIGGS-SLAYTON)		0.2	COLUMBIA GAS TRAN
-CARLTON OIL CORP				RECEIVED:	06/28/82	JA: OH			
8240414		3416727186		103		MCMAHAN #2	NEWPORT	50.0	RIVER GAS CO
-CARMCO INC				RECEIVED:	06/28/82	JA: OH			
8240415		3410322914		103	107-TF	J TRAMONTE #2	GRANGER	6.0	
-CAVENDISH PETROLEUM OF OHIO INC				RECEIVED:	06/28/82	JA: OH			
8240419		3412122159		108		B C FARMS INC #1-MH		16.0	EAST OHIO GAS CO
8240418		3411923056		108		C WATSON #1-G		14.0	COLUMBIA GAS TRAN
8240417		3405922036		108		HOMER CHAMBERS #1 MD		16.0	EAST OHIO GAS CO
8240416		3405921535		108		OHIO POWER #1-C		3.0	EAST OHIO GAS CO
-CLARENCE SHERMAN				RECEIVED:	06/28/82	JA: OH			
8240713		3415723721		103	107-TF	LADRACH #3	RAGERSVILLE	15.0	EAST OHIO GAS CO
-CLINTON OIL CO				RECEIVED:	06/28/82	JA: OH			
8240420		3411926055		103	107-TF	DUVALL-ROBERTS #1-656	PHILO	10.0	
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	06/28/82	JA: OH			
8240467		3411920030		108		AARON E SWANK 706318	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8240469		3411921626		108		BEATRICE B CORBIN 710126	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240462		3410521307		108		BERNARD CARTER AGT 710160	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240457		3410521243		108		CARRIE M KING AGT 709917	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240454		3410520118		108		CHARLES W HECK ETAL 706427	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240460		3410521293		108		CLEORA SHUMWAY 710073	SOUTHERN DIST STE OF	4.0	COLUMBIA GAS TRAN
8240474		3416920193		108		DAISY E PRIEST 706157	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240472		3416920006		108		DANIEL J MILLER 706472	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240461		3410521304		108		DELMAR PULLINS ETAL 710139	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8240431		3408300011		108		DONALD E RIDGEWAY 706857	SOUTHERN DIST STE OF	0.4	COLUMBIA GAS TRAN
8240471		3412721916		108		ELZA HINKLE 709939	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240459		3410521259		108		ESTA WHITE ETAL 709974	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8240443		3410320208		108		ETHEL K DROGELL ETAL 706394	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240458		3410521253		108		EVERETT L CROW JR 709927	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240463		3411520898		108		F E & EILEEN HAINES 709853	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240455		3410521219		108		FLOYD STOUT ETAL 709843	SOUTHERN DIST STE OF	5.0	COLUMBIA GAS TRAN
8240434		3408700120		108		FRANK BLISS ENSLOW 706760	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240447		3410321143		108		FRANK SMITH 1-A 710053	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240468		3411921550		108		FRED IHINGER 709911	SOUTHERN DIST STE OF	5.0	COLUMBIA GAS TRAN
8240421		3400500015		108		HAZEL M SPRINKLE 706221	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240429		3407520017		108		HELEN BOYD MITTEN 706262	SOUTHERN DIST STE OF	0.7	COLUMBIA GAS TRAN
8240432		3408700117		108		HENRY V SUITER ETAL 706621	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8240453		3410520107		108		HOMER BAILEY 706412	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240422		3400520069		108		HOYLAND B AUSTIN 706275	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240438		3408700124		108		JAMES T SMITH 706900	SOUTHERN DIST STE OF	4.0	COLUMBIA GAS TRAN
8240437		3408700123		108		JAMES T SMITH706869	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8240423		3400920075		108		JOHN H ROBINSON 706309	SOUTHERN DIST STE OF	0.4	COLUMBIA GAS TRAN
8240440		3410320146		108		JOHN HENRY COX EXEC 706185	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240464		3411520948		108		KENNETH OSTRANDER 709995	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240465		3411520959		108		KENNETH OSTRANDER 710101	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240473		3416920166		108		KENNETH R MILLER 706244	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240444		3410321109		108		L C KOLLERT 709814	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240445		3410321115		108		L C KOLLERT 709855	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240475		3416920949		108		MARGERY RAMSEYER 710119	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240470		3412720133		108		MARY J HARLAN 706541	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240448		3410520026		108		MARY ROUSH ETAL 706162	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240427		3403520316		108		MARY S MARTY 709803	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240426		3403500013		108		MARY S MARTY 709804	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240449		3410520039		108		MICHAEL EVANS 706172	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240450		3410520054		108		MILDRED FITCH 706248	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240439		3408700126		108		MYRTLE M ASH 705481	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240433		3408700119		108		ORVILLE CARRICO 706724	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240436		3408700122		108		R A GRAY 706868	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8240428		3407520012		108		RAYMOND A BIRD 706227	SOUTHERN DIST STE OF	0.4	COLUMBIA GAS TRAN
8240456		3410521226		108		RAYMOND E MAXSON 709854	SOUTHERN DIST STE OF	5.0	COLUMBIA GAS TRAN
8240425		3400921344		108		RICHARD E SHOEMAKEE 710095	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240466		3411920012		108		RICHARD L HECKEL 706215	SOUTHERN DIST STE OF	0.9	COLUMBIA GAS TRAN
8240442		3410320161		108		ROBERT HENFIELD 706308	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240430		3407520217		108		RONNIE LEE HARRIS 706216	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240451		3410520060		108		ROY H BUSH 706279	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240435		3408700121		108		RUSSELL SCHNEIDER 706827	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240441		3410320155		108		STANLEY L HARTMAN 706270	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8240446		3410321133		108		TONY A PIVATO 709924	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8240424		3400920092		108		VELMA D POSTON 706422	SOUTHERN DIST STE OF	0.6	COLUMBIA GAS TRAN
8240452		3410520069		108		W HOYT HALL 706299	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
-CONSOLIDATED RESOURCES OF AMERICA		RECEIVED: 06/28/82 JA: OH							
8240477		3412102271		103	107-TF	MELVIN DAVIS #1	CIVIL TOWNSHIP - BUFF	39.0	EAST OHIO GAS CO
-CRYSTAL ENERGY		RECEIVED: 06/28/82 JA: OH							
8240478		3410322619		103	107-TF	THOMAS & THERESA SHUMAY #1	BRUNSWICK	20.0	
-CUYAHOGA EXPLORATION & DEVELOPMENT		RECEIVED: 06/28/82 JA: OH							
8240479		3416727083		107-DV		DELMAR HENDERSHOT #7	DALZELL	23.7	
-DERBY OIL & GAS CORP		RECEIVED: 06/28/82 JA: OH							
8240481A		3408323097		103		CAROLINE KUSS #1	JEFFERSON	12.0	EAST OHIO GAS CO
8240481B		3408323097	D	107-TF		CAROLINE KUSS #1	JEFFERSON	12.0	EAST OHIO GAS CO
8240482A		3408323098		103		RICHARD MARTIN #1	JEFFERSON	12.0	EAST OHIO GAS CO
8240482B		3408323098	D	107-TF		RICHARD MARTIN #1	JEFFERSON	12.0	EAST OHIO GAS CO
8240480A		3408323096		103		ROBERT CUTLIP #1	JEFFERSON	12.0	EAST OHIO GAS COR
8240480B		3408323096	D	107-TF		ROBERT CUTLIP #1	JEFFERSON	12.0	EAST OHIO GAS COR
-DIXIE ENERGY CO		RECEIVED: 06/28/82 JA: OH							
8240483		3410522241		107-TF		FETTY #1	RUTLAND	7.0	COLUMBIA GAS OF O
-DORAN & ASSOCIATES INC		RECEIVED: 06/28/82 JA: OH							
8240484A		3412725231		103		PAUL MUSSER #2	JACKSON	12.0	COLUMBIA GAS TRAN
8240484B		3412725231	D	107-TF		PAUL MUSSER #2	JACKSON	12.0	COLUMBIA GAS TRAN
-DUGAN & EARLYWINE INVESTMENT & DEVE		RECEIVED: 06/28/82 JA: OH							
8240485		3403121479		108		CLARENCE & RUTHERFORD HAYES #2	SPRING MOUNTAIN QUAD	1.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8240486		3403122965		108		DEAN MEEKS #1
-EARTH RESOURCES EXPL DEV CORP				RECEIVED: 06/28/82		JA: OH
8240487		3416923042		103	107-TF	FITZPATRICK #1
-EDCO DRILLING & PRODUCING INC				RECEIVED: 06/28/82		JA: OH
8240492		3407523638		103		CRIDER UNIT WB-3A
8240490		3403123706		108		GAMERSTSFELDER MO-2A
8240489		3403123705		108		GAMERSTSFELDER MO-4A
8240488		3403123435		108		GAMERTSFELDER MO-1A
8240491		3403124673		103	107-TF	LAPP WB-2A
8240493		3416923078		103	107-TF	WB-1F MILLER WB-1F
-ENERGY PRODUCTION INC				RECEIVED: 06/28/82		JA: OH
8240494		3412122708		103	107-TF	ESCHMAN #1
-ENERGY UNLIMITED INC				RECEIVED: 06/28/82		JA: OH
8240495		3400922406		107-TF		BOBO #1
8240496		3400922407		107-TF		CARTER #1
-EUGENE B CONRAD				RECEIVED: 06/28/82		JA: OH
8240476		3415723705		103		CAPPELL #2
-FRANKLIN GAS & OIL CO INC				RECEIVED: 06/28/82		JA: OH
8240497		3408322944		103		DONALD KAUFFMAN #2
-GASEARCH INC				RECEIVED: 06/28/82		JA: OH
8240499		3400721855		103	107-TF	DELMUL #5
-GILBERT OIL CO				RECEIVED: 06/28/82		JA: OH
8240500		3413322704		103	107-TF	BIRKNER ET AL UNIT #1
-GLACIER ENERGY CORP				RECEIVED: 06/28/82		JA: OH
8240501		3400922561		107-TF		T&S AND A&F WAGNER #2
-GNC ENERGY CORP				RECEIVED: 06/28/82		JA: OH
8240498		3411522464		107-TF		MCCONKEY JAMES & JANICE #9
-GREEN GAS COMPANY				RECEIVED: 06/28/82		JA: OH
8240502		3403521127		107-TF		WOIDKE UNIT #1
-GUERNSEY PETROLEUM CORPORATION				RECEIVED: 06/28/82		JA: OH
8240503		3411922880		103		HARDY 1-MD
-HERALD OIL & GAS CO				RECEIVED: 06/28/82		JA: OH
8240504		3405320522		107-TF		CROW & MORGAN #4
8240505		3410521940		107-TF		HERALD & DOLAN #3
-HILLTOP DEVELOPMENT CORP				RECEIVED: 06/28/82		JA: OH
8240507		3411926238		103		JOHN MCCANN #3
-HOLROYD PRODUCTION CO				RECEIVED: 06/28/82		JA: OH
8240508		3408720151		108		MURNAHAN #1 (CALLICOAT)
8240509		3408720191		108		P & M FLIEHMAN #1 (HALL)
8240510		3408720199		108		P & M HOLSCHUH #1
8240511		3408720202		108		P & M HOLSCHUH #2
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED: 06/28/82		JA: OH
8240515		3412725571		103		BEULAH & BRUCE COMSTOCK #5
8240514		3411925047		103	107-TF	R RUCKER #2
8240512		3403123163		103	107-TF	R THOMSON #3
8240513		3403124476		103	107-TF	THOMSON #2
-INTEGRATED PETROLEUM COMPANY INC				RECEIVED: 06/28/82		JA: OH
8240516		3409921133		107-RT		BROWN #1
8240517		3409921178		107-RT		DIORIO/ELMO #2
8240518		3409921179		107-RT		FISHER #1
-IRVIN PRODUCING COMPANY				RECEIVED: 06/28/82		JA: OH
8240519		3411925796		103	107-TF	CAW-PRICE #1
-JANCO WELL OPERATIONS LTD 81-7				RECEIVED: 06/28/82		JA: OH

FIELD NAME	PROD	PURCHASER
BRINKHAVEN QUAD	9.0	COLUMBIA GAS TRAN
WOOSTER	10.0	
GREER	18.0	
	18.0	COLUMBIA GAS TRAN
	18.0	COLUMBIA GAS TRAN
	18.0	COLUMBIA GAS TRAN
CONESVILLE	18.0	
WILMOT	18.0	
BELLE VALLEY	50.0	TEXAS EASTERN
LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
SANDY	5.0	COLUMBIA GAS TRAN
GREER	0.0	EAST OHIO GAS CO
CHERRY VALLEY	20.0	EMPIRE PLATING
STREETSBORO TOWNSHIP	9.0	P O I ENERGY INC
AMESVILLE	10.0	COLUMBIA GAS TRAN
ROKEBY LOCK	15.0	
OLMSTED	27.3	COLUMBIA GAS TRAN
RICH HILL	48.0	EAST OHIO GAS CO
CHESHIRE	0.0	COLUMBIA GAS TRAN
RUTLAND	0.0	COLUMBIA GAS TRAN
JACKSON	1.0	NATIONAL GAS & OI
	2.0	COLUMBIA GAS TRAN
	1.0	COLUMBIA GAS TRAN
	8.0	COLUMBIA GAS TRAN
	0.5	COLUMBIA GAS TRAN
JACKSON	3.0	COLUMBIA GAS TRAN
BETHLEHEM	20.0	NATIONAL GAS & OI
BETHLEHEM	0.0	NATIONAL GAS & OI
BETHLEHEM	0.0	NATIONAL GAS & OI
GOSHEN	0.0	
BERLIN	0.0	
MILTON	0.0	
ZANESVILLE	25.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8240521		3415522063		107-TF		HORTON-QUIGGLE UNIT #1	FARMINGTON	0.0	COLUMBIA GAS TRAN
8240520		3415522062		107-TF		RICHARD E JACOBSON #1	FARMINGTON	0.0	COLUMBIA GAS TRAN
-JERRY MOORE INC				RECEIVED:	06/28/82	JA: OH			
8240570		3403123523		103		RICHARD E GILMORE UNIT #2	NEW BEDFORD	1.0	COLUMBIA GAS TRAN
-JOHN C MASON				RECEIVED:	06/28/82	JA: OH			
8240559		3407523752		107-TF		LEVI J SCHLABACH #3	HARDY	10.0	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC				RECEIVED:	06/28/82	JA: OH			
8240529		3415320857		103	107-TF	BELL #3	NORTHAMPTON	0.0	REPUBLIC STEEL CO
8240530		3415320866		103	107-TF	BELL #4	NORTHAMPTON	0.0	REPUBLIC STEEL CO
8240527		3415320732		103	107-TF	BLOSSOM #2	NORTHAMPTON	0.0	EAST OHIO GAS CO
8240525		3415320681		103	107-TF	E & L REALTY & PONDVIEW CORP #1	STOW	0.0	
8240523		3409921116		103	107-TF	GOTTSCHALL TOOL & DIE #1	GOSHEN	0.0	
8240522		3400721208		103	107-TF	GRAND VALLEY #2	ORWELL	0.0	REPUBLIC STEEL CO
8240532		3415521331		103	107-TF	GRAND VALLEY #3	BLOOMFIELD	0.0	REPUBLIC STEEL CO
8240526		3415320705		103	107-TF	HEVENER UNIT #1	HUDSON	0.0	
8240528		3415320809		103	107-TF	J D & M E BELL #2	NORTHAMTON	0.0	
8240524		3413322287		103	107-TF	LANGE-STONESTREET #6	FREEDOM	0.0	REPUBLIC STEEL CO
8240531		3415320868		103	107-TF	QUINE #1	NORTHAMPTON	0.0	
-KENOIL				RECEIVED:	06/28/82	JA: OH			
8240533		3416922799		107-TF		TED ACKER #1-S	PLAIN	5.0	COLUMBIA GAS TRAN
-KRAMER EXPLORATION CO				RECEIVED:	06/28/82	JA: OH			
8240543		3410522278		107-TF		BARTON #3	POMEROY	12.0	COLUMBIA GAS TRAN
8240537		3410522053		107-TF		CAMPBELL #1	RUTLAND	70.0	COLUMBIA GAS TRAN
8240539		3410522074		107-TF		CHASTEEN #1	RUTLAND	28.0	COLUMBIA GAS TRAN
8240541		3410522182		107-TF		FERRELL #1	BEDFORD	15.0	COLUMBIA GAS TRAN
8240536		3410522023		107-TF		GOEGLEIM #1	RUTLAND	15.0	COLUMBIA GAS TRAN
8240544		3410522345		103		HOFFMAN #1	ALFRED	10.0	COLUMBIA GAS TRAN
8240538		3410522073		107-TF		HYSELL #1	RUTLAND	0.0	COLUMBIA GAS TRAN
8240540		3410522148		107-TF		JOHNSON #1	SALISBURY	20.0	COLUMBIA GAS TRAN
8240534		3405320722		107-TF		O JOHNSON #1	ADDISON	12.0	COLUMBIA GAS TRAN
8240535		3405320723		107-TF		O JOHNSON #2	ADDISON	0.0	COLUMBIA GAS TRAN
8240542		3410522236		107-TF		TAYLOR #1	POMEROY	15.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED:	06/28/82	JA: OH			
8240546		3401921556		103		COOPER/ROMIG #1	UHRICHSVILLE	10.0	BONANZA GAS LINE
8240547		3415123698		103		GILL/BOWMAN #1	WAYNESBURG	5.0	BONANZA GAS LINE
-LBJ DRILLING DBA JEFF MORAN				RECEIVED:	06/28/82	JA: OH			
8240545		3408323077		103		DWIGHT GORSUCH #4	MARTINSBURG	0.0	
-LEADER EQUITIES INC				RECEIVED:	06/28/82	JA: OH			
8240548		3411926120		103	107-TF	HOGUE #1	ADAMS	13.0	
-LESLIE OIL & GAS CO INC				RECEIVED:	06/28/82	JA: OH			
8240555		3415521541		107-TF		HOLKO #1	BRISTOL TWP	3.0	AMERICAN ENERGY I
8240557		3415521577		107-TF		HOLKO #2	BRISTOL TWP	3.0	AMERICAN ENERGY I
8240551		3410322213		107-TF		KUSMIK #1	SPENCER	3.0	COLUMBIA GAS TRAN
8240552		3410322279		107-TF		KUSMIK #2	SPENCER	3.0	COLUMBIA GAS TRAN
8240558		3415522000		107-TF		MACDONALD #1	BRISTOL TWP	15.0	AMERICAN ENERGY I
8240549		3410322198		107-TF		MORGAN #1	SPENCER	3.0	COLUMBIA GAS TRAN
8240553		3415520316		107-TF		PETERSHEIM #1	MESOPOTAMIA TWP	11.0	
8240554		3415521402		107-TF		RICHARDS - MOORE #1	MESOPOTAMIA TWP	11.0	
8240550		3410322205		107-TF		RODRIQUEZ #1	SPENCER	3.0	COLUMBIA GAS TRAN
8240556		3415521553		107-TF		STROH #1	NA - BRISTOL TWP	15.0	AMERICAN ENERGY I
-MEIGS JOINT VENTURE				RECEIVED:	06/28/82	JA: OH			
8240564		3411924734		107-RT		GALLOGLY #1	MEIGS	1.2	COLUMBIA GAS TRAN
8240563		3411924407		107-RT		GALLOGLY #10	MEIGS	1.2	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8240562		3411924406		107-RT		GALLOGLY #11	MEIGS	1.2	COLUMBIA GAS TRAN
8240561		3411924405		107-RT		GALLOGLY #12	MEIGS	1.2	COLUMBIA GAS TRAN
8240569		3411924718		107-RT		GALLOGLY #3	MEIGS	1.2	COLUMBIA GAS TRAN
8240565		3411924739		107-RT		GALLOGLY #5	MEIGS	1.2	COLUMBIA GAS TRAN
8240566		3411924147		107-RT		GALLOGLY #7	MEIGS	1.2	COLUMBIA GAS TRAN
8240567		3411924748		107-RT		GALLOGLY #8	MEIGS	1.2	COLUMBIA GAS TRAN
8240568		3411924749		107-RT		GALLOGLY #9	MEIGS	1.2	COLUMBIA GAS TRAN
-MORELAND OIL & GAS				RECEIVED:	06/28/82	JA: OH			
8240572		3410323063		107-TF		HEEGE #1	MINCKLEY	25.0	COLUMBIA GAS TRAN
-MORMACK INDUSTRY INC				RECEIVED:	06/28/82	JA: OH			
8240575		3416922925		107-TF		ED SUTTLE #1	EAST UNION	18.0	COLUMBIA GAS TRAN
8240574		3416922918		107-TF		ERVIN HODGE #1	EAST UNION	19.0	COLUMBIA GAS TRAN
8240573		3416922610		107-TF		ISAAC KEIM #1	WOOSTER EAST	10.0	COLUMBIA GAS TRAN
-MURPHY OIL CO				RECEIVED:	06/28/82	JA: OH			
8240576		3400922010		107-TF		CROWELL #1	LODI TWP	0.0	COLUMBIA GAS TRAN
8240577		3410522211		107-TF		GOEGLEIN #1	RUTLAND TWP	0.0	COLUMBIA GAS TRAN
-MUSK JOINT VENTURE				RECEIVED:	06/28/82	JA: OH			
8240586		3411924708		107-RT		DRAKE #1	BLUE ROCK	1.7	COLUMBIA GAS TRAN
8240585		3411924701		107-RT		DRAKE #3	BLUE ROCK	1.7	COLUMBIA GAS TRAN
8240579		3411924483		107-RT		MITCHELL #4	MEIGS	1.1	COLUMBIA GAS TRAN
8240578		3411924393		107-RT		MITCHELL #5	MEIGS	1.1	COLUMBIA GAS TRAN
8240584		3411924697		107-RT		MITCHELL #6	MEIGS	1.1	COLUMBIA GAS TRAN
8240583		3411924696		107-RT		MITCHELL #7	MEIGS	1.1	COLUMBIA GAS TRAN
8240582		3411924685		107-RT		WHITE #1	BLUE ROCK	0.7	COLUMBIA GAS TRAN
8240581		3411924684		107-RT		WHITE #2	BLUE ROCK	0.7	COLUMBIA GAS TRAN
8240580		3411924683		107-RT		WHITE #3	BLUE ROCK	0.7	COLUMBIA GAS TRAN
-NATIONAL PETROLEUM CORP				RECEIVED:	06/28/82	JA: OH			
8240587		3400720861		107-TF		EWING TANSEY #1	NEW LYME	15.0	OHIO GAS CO
8240596		3400721445		107-TF		KENYON NELSON #3	JEFFERSON	15.0	OHIO GAS CO
8240590		3400721146		107-TF		KENYON NELSON #4	JEFFERSON	15.0	OHIO GAS CO
8240589		3400720960		107-TF		OHIO LAND & TIMBER #1	LENOX	15.0	OHIO GAS CO
8240588		3400720959		107-TF		OHIO LAND & TIMBER #3	LENOX	15.0	OHIO GAS CO
8240592		3400721394		107-TF		REINKE #2	JEFFERSON	15.0	OHIO GAS CO
8240591		3400721254		107-TF		ZORMAN #1	LENOX	15.0	OHIO GAS CO
8240595		3400721410		107-TF		ZORMAN HENERY PORT #1	LENOX	15.0	OHIO GAS CO
8240594		3400721409		107-TF		ZORMAN HENERY PORT #2	LENOX	15.0	OHIO GAS CO
8240593		3400721408		107-TF		ZORMAN HENERY PORT #3	LENOX	15.0	OHIO GAS CO
-NEIL R. WYNN				RECEIVED:	06/28/82	JA: OH			
8240729		3416727172		103		BAUMGARD #1	BARLOW	2.0	COLUMBIA GAS TRAN
8240728		3416727171		103		MIRACLE #1	BARLOW	2.0	COLUMBIA GAS TRAN
-NEW FRONTIER EXPLORATION INC				RECEIVED:	06/28/82	JA: OH			
8240598		3406720430		103	107-TF	D SADOWSKI #1	MONROE	20.0	TENNECO
8240597		3401320359		103		JOHN G BROWN #1	SOMERSET	16.0	
-NUCORP ENERGY COMPANY				RECEIVED:	06/28/82	JA: OH			
8240599		3400721713		103	107-TF	BEALS #1	NEW LYME	16.0	OHIO GAS CO
-OILTECH INC				RECEIVED:	06/28/82	JA: OH			
8240603		3407522384		107-TF		DAVID KAUFFMAN #1	MECHANIC	0.0	COLUMBIA GAS TRAN
8240602		3407522397		107-TF		GEORGE HIPP #1	HARDY	0.0	COLUMBIA GAS TRAN
8240600		3407522394		107-TF		GEORGE HIPP #2	HARDY	0.0	COLUMBIA GAS TRAN
8240601		3407522396		107-TF		JACK HOYMAN #2	MECHANIC	0.0	COLUMBIA GAS TRAN
8240605		3407523387		107-TF		JOHN LANE #4	KILLBUCK	0.0	COLUMBIA GAS TRAN
8240604		3407523388		107-TF		JOHN LANE #5	KILLBUCK	0.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED:	06/28/82	JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8240686		3415723703		103	107-TF	JOHN BOYD #1	MINERAL CITY	10.0	
-PENWIM JOINT VENTURE				RECEIVED: 06/28/82		JA: OH			
8240667		3411924642		107-RT		H WILSON #1	BLUE ROCK	0.9	COLUMBIA GAS TRAN
8240666		3411924638		107-RT		H WILSON #2	BLUE ROCK	0.9	COLUMBIA GAS TRAN
8240662		3411924595		107-RT		H WILSON #3	BLUE ROCK	0.9	COLUMBIA GAS TRAN
8240661		3411924584		107-RT		MOORE #1	BLUE ROCK	1.4	COLUMBIA GAS TRAN
8240660		3411924578		107-RT		MOORE #2	BLUE ROCK	1.4	COLUMBIA GAS TRAN
8240659		3411924576		107-RT		MOORE #3	BLUE ROCK	1.4	COLUMBIA GAS TRAN
8240664		3411924631		107-RT		MOORE #5	BLUE ROCK	1.4	COLUMBIA GAS TRAN
8240663		3411924630		107-RT		MOORE #6	BLUE ROCK	1.4	COLUMBIA GAS TRAN
8240665		3411924634		107-RT		MOORE #7	BLUE ROCK	1.4	COLUMBIA GAS TRAN
8240668		3411924644		107-RT		MOORE #8	BLUE ROCK	1.4	COLUMBIA GAS TRAN
8240654		3411924497		107-RT		PARKER #1	BLUE CREEK	0.9	COLUMBIA GAS TRAN
8240653		3411924490		107-RT		PARKER #2	BLUE ROCK	0.9	COLUMBIA GAS TRAN
8240658		3411924558		107-RT		PARKER #5	BLUE ROCK	0.9	COLUMBIA GAS TRAN
8240655		3411924506		107-RT		PARKER #6	BLUE CREEK	0.9	COLUMBIA GAS TRAN
8240656		3411924520		107-RT		PARKER #7	BLUE ROCK	0.9	COLUMBIA GAS TRAN
8240657		3411924521		107-RT		PARKER #8	BLUE ROCK	0.9	COLUMBIA GAS TRAN
-POI ENERGY INC				RECEIVED: 06/28/82		JA: OH			
8240643		3413321712		108		BENSON #1		10.9	
8240644		3413321838		108		BENSON #2		10.9	
8240645		3413321839		108		BENSON #3		10.9	
8240620		3400720624		108		BOGDON #1		7.9	
8240630		3400721063		108		BOGDON #2		7.9	
8240631		3400721066		108		BOGDON #3		7.9	
8240614		3400720584		108		CARLSON #1		8.3	
8240621		3400720626		108		CARLSON #2		8.3	
8240634		3400721073		108		CARLSON #3		8.3	
8240633		3400721072		108		CARLSON #4		8.3	
8240617		3400720598		108		CLARK UNIT #1		11.7	
8240647		3413321908		108		CONOVER #1		16.8	
8240637		3413321223		108		CORBETT #1		6.6	
8240636		3413321221		108		DREWS #4		2.2	
8240611		3400720566		108		ECKENRODE #1		12.8	
8240626		3400720648		108		HELINSKI #1		13.7	
8240632		3400721067		108		HELINSKI #2		13.7	
8240641		3413321643		108		HOWITT #2		14.7	
8240642		3413321642		108		HOWITT #3		14.7	
8240615		3400720586		108		HUGO #1		2.8	
8240635		3400721974		103	107-TF	J FULLER #1	WINDSOR	25.0	
8240618		3400720621		108		JOZEFCZIK #1		7.6	
8240651		3415320607		108		LAKE ERIE GIRL SCOUTS #1		5.2	
8240652		3415320695		108		LAKE ERIE GIRL SCOUTS #2		5.2	
8240625		3400720642		108		LAVTENAN #1		6.4	
8240650		3415320602		108		LUTHER #2		5.7	
8240627		3400720650		108		MCKIBBEN #2		4.4	
8240619		3400720622		108		MCKIBBEN #3		4.4	
8240646		3413321862		108		OATES #1		3.7	
8240609		3400720524		108		PIZON UNIT #1		1.6	
8240623		3400720634		108		PIZON UNIT #1		6.2	
8240624		3400720635		108		PIZON UNIT #2		6.2	
8240616		3400720587		108		PLESZ #1		3.5	
8240648		3415320532		108		REID FARM #1		1.3	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8240628		3400720652		108		ROBAKEWICZ #2		5.3	
8240607		3400720242		108		SASALA #1		5.0	
8240638		3413321331		108		SAUNDERS #1		9.8	
8240639		3413321332		108		SAUNDERS #2		8.6	
8240640		3413321424		108		SCHEFFEL #1		18.5	
8240610		3400720556		108		SHAFFER #1		1.7	
8240608		3400720498		108		STANHOPE #1		5.6	
8240629		3400720667		108		STEFANCIN UNIT #1		3.6	
8240612		3400720580		108		WAIO UNIT #1		11.9	
8240622		3400720627		108		WARE UNIT #1		6.9	
8240613		3400720583		108		WAUGAMAN #1		5.5	
8240649		3415320601		108		WOOD RUFF #1		8.2	
-QUAKER STATE OIL REFINING CORP				RECEIVED: 06/28/82		JA: OH			
8240673		3401921449		103	107-TF	C MAYLE #1	BROWN	27.4	MB OPERATING CO I
8240674		3401921453		103	107-TF	CASPER #1	BROWN	27.4	MB OPERATING CO I
8240670		3400922567		103	107-TF	DRY DOCK COAL #3	YORK	18.3	COLUMBIA GAS TRAN
8240671		3401921439		103	107-TF	EPPLER UNIT #1	BROWN	27.0	MB OPERATING CO I
8240672		3401921448		103	107-TF	FARMER UNIT #1	BROWN	27.4	MB OPERATING CO I
8240675		3407322638		103	107-TF	SUNDAY CREEK COAL CO #59	WARD	7.3	COLUMBIA GAS TRAN
-R GENE,BRASEL DBA BRASEL & BRASEL				RECEIVED: 06/28/82		JA: OH			
8240403		3405320726		103	107-TF	D WAREHIME #2	GALLIPOLIS	2.0	COLUMBIA GAS TRAN
8240404		3405320727		103	107-TF	D WAREHIME #3	GALLIPOLIS	2.0	COLUMBIA GAS TRAN
8240405		3405320728		103	107-TF	D WAREHIME #4	GALLIPOLIS	2.0	COLUMBIA GAS TRAN
8240400		3405320684		103	107-TF	F CAMERON SANDS #2	ADDISON	2.0	COLUMBIA GAS TRAN
8240393		3405320553		107-TF		FLORENCE PHILLIPS #2	ADDISON	1.0	COLUMBIA GAS TRAN
8240392		3405320552		107-TF		FLORENCE PHILLIPS #3	ADDISON	0.0	COLUMBIA GAS TRAN
8240394		3405320572		107-TF		GEORGE STOVER #1	ADDISON	2.0	COLUMBIA GAS TRAN
8240402		3405320690		103	107-TF	H DARST #5	CHESHIRE	2.0	COLUMBIA GAS TRAN
8240401		3405300687		103	107-TF	H DARST #6	CHESHIRE	2.0	COLUMBIA GAS TRAN
8240389		3405320442		107-TF		HOBART M DARST #3	CHESHIRE	2.0	COLUMBIA GAS TRAN
8240391		3405320444		107-TF		HOBART M DARST #4	CHESHIRE	1.0	COLUMBIA GAS TRAN
8240388		3405320245		108		JAMES L CONKLE #1	CHESHIRE	2.0	COLUMBIA GAS TRAN
8240390		3405320443		107-TF		JOSEPH LEACH #5	CHESHIRE	1.5	COLUMBIA GAS TRAN
8240395		3405320573		103		MARY K SOWARDS #4	ADDISON	2.0	COLUMBIA GAS TRAN
8240397		3405320623		107-TF		MOUNTAINEER LAND CO #2	ADDISON	2.0	COLUMBIA GAS TRAN
8240396		3405320618		107-TF		MOUNTANEER LAND CO #1	ADDISON	1.5	COLUMBIA GAS TRAN
8240398		3405320682		107-TF		RICHARD BARRETT #2	ADDISON	2.0	COLUMBIA GAS TRAN
8240399		3405320683		107-TF		RICHARD BARRETT #3	ADDISON	0.0	COLUMBIA GAS TRAN
-RICHARD C POLING				RECEIVED: 06/28/82		JA: OH			
8240669		3412725522		103		MULLINS-LINDAMOOD RAYMOND STIMME 1	PIKE	5.0	
-RIMCO OPERATING INC				RECEIVED: 06/28/82		JA: OH			
8240677		3416929800		103	107-TF	BOWERS #9	PLAIN	12.0	COLUMBIA GAS TRAN
8240678		3416923291		103	107-TF	E STULL #3	PLAIN	12.0	COLUMBIA GAS TRAN
8240676		3416922680		103	107-TF	RICE #3	FRANKLIN	12.0	COLUMBIA GAS TRAN
-ROCK JOINT VENTURE				RECEIVED: 06/28/82		JA: OH			
8240679		3411924597		107-RT		BETZ #1	BLUE ROCK	2.5	COLUMBIA GAS TRAN
8240682		3411924643		107-RT		BETZ #2	BLUE ROCK	2.5	COLUMBIA GAS TRAN
8240681		3411924637		107-RT		BETZ #3	BLUE ROCK	2.5	COLUMBIA GAS TRAN
8240683		3411924645		107-RT		BETZ #4	BLUE ROCK	2.5	COLUMBIA GAS TRAN
8240680		3411924633		107-RT		BETZ #5	BLUE ROCK	2.5	COLUMBIA GAS TRAN
8240685		3411924699		107-RT		BETZ #6	BLUE ROCK	2.5	COLUMBIA GAS TRAN
8240684		3411924698		107-RT		BETZ #7	BLUE ROCK	2.5	COLUMBIA GAS TRAN
-RONALD F MORAN				RECEIVED: 06/28/82		JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8240571		3403123813		103		JOSEPH GOMEZ #2	PERRYTON	0.0	
-ROYAL PETROLEUM 81-III LTD				RECEIVED:	06/28/82	JA: OH			
8240686		3410522399		103		HOSKINS #1	BEDFORD	5.0	COLUMBIA GAS TRAN
-SALT CREEK JOINT VENTURE				RECEIVED:	06/28/82	JA: OH			
8240693		3411924839		107-TF		FRALEY #2	SALT CREEK	1.6	COLUMBIA GAS TRAN
8240695		3411924844		107-TF		G & J WILSON #1	SALT CREEK	0.8	COLUMBIA GAS TRAN
8240696		3411924845		107-TF		G & J WILSON #2	SALT CREEK	0.8	COLUMBIA GAS TRAN
8240694		3411924843		107-TF		G & J WILSON #4	SALT CREEK	0.8	COLUMBIA GAS TRAN
8240697		3411924847		107-TF		G & J WILSON #5	SALT CREEK	0.8	COLUMBIA GAS TRAN
8240698		3411924848		107-TF		G & J WILSON #6	SALT CREEK	0.8	COLUMBIA GAS TRAN
8240701		3411924859		107-TF		G & J WILSON #7	SALT CREEK	0.8	COLUMBIA GAS TRAN
8240783		3411925215		103	107-TF	HOCK #2	SALT CREEK	0.5	COLUMBIA GAS TRAN
8240689		3411924831		107-RT		MCNUTT #1	SALT CREEK	0.7	COLUMBIA GAS TRAN
8240691		3411924833		107-RT		MCNUTT #2	SALT CREEK	0.7	COLUMBIA GAS TRAN
8240690		3411924832		107-RT		MCNUTT #3	SALT CREEK	0.7	COLUMBIA GAS TRAN
8240700		3411924851		107-TF		SHOOK #1	SALT CREEK	0.8	COLUMBIA GAS TRAN
8240699		3411924850		107-TF		SHOOK #2	SALT CREEK	0.8	COLUMBIA GAS TRAN
8240688		3411924810		107-RT		WHEELER #2	SALT CREEK	0.8	COLUMBIA GAS TRAN
8240687		3411924809		107-RT		WHEELER #3	SALT CREEK	0.8	COLUMBIA GAS TRAN
8240692		3411924836		107-RT		WHEELER #4	SALT CREEK	0.8	COLUMBIA GAS TRAN
8240702		3411925174		103	107-TF	WILLS #1	SALT CREEK	1.5	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED:	06/28/82	JA: OH			
8240707		3416727029		107-DV		CLIFFORD CHANEY #1	GRANDVIEW	14.6	
8240704		3416726947		107-DV		GEORGE B SHAPLEY #3	NEW MATAMORAS	0.0	
8240705		3416727150		103		GEORGE SHAPLEY #7	NEW MATAMORAS	10.9	
8240706		3416727151		103		GEORGE SHAPLEY #8	NEW MATAMORAS	18.2	
-SCHWANCO INC				RECEIVED:	06/28/82	JA: OH			
8240708		3410321941		108		SCHWAN #1		20.0	COLUMBIA GAS TRAN
8240710		3410321943		108		SCHWAN #2		20.0	COLUMBIA GAS TRAN
8240709		3410321942		108		SCHWAN #3		20.0	COLUMBIA GAS TRAN
8240711		3410321944		108		SCHWAN #4		20.0	COLUMBIA GAS TRAN
-SIMON HERSHBERGER				RECEIVED:	06/28/82	JA: OH			
8240586		3407521697		108		SIMON HERSHBERGER	FREDERICKSBURG QUAD	13.0	COLUMBIA GAS TRAN
-STEPHEN SENG				RECEIVED:	06/28/82	JA: OH			
8240712		3408321654		108		WILLEY #I PERMIT #1654	CLINTON	7.6	COLUMBIA GAS TRAN
-TIGER OIL INC				RECEIVED:	06/28/82	JA: OH			
8240716		3411122848		103		BRADFIELD #3	JACKSON	0.0	RIVER GAS CO
8240715		3411122634		103		MARTHA SHEETS #1	WASHINGTON	0.0	RIVER GAS CO
-TITAN ENERGY CORP				RECEIVED:	06/28/82	JA: OH			
8240717		3415522936		103	107-TF	BOYCAN - UNIT - #1	ORANGEVILLE	20.0	COLUMBIA GAS TRAN
-TOWNER PETROLEUM CO				RECEIVED:	06/28/82	JA: OH			
8240718		3405923206		103	107-TF	R YOUNG #1	EAST GUERNSEY	0.0	TENNESSEE GAS PIP
-UNITED PETROLEUM CORP				RECEIVED:	06/28/82	JA: OH			
8240722		3413320880		108		BLACK #3	SHALERSVILLE	2.5	AMERICAN ENERGY S
8240719		3409920567		108		CUA #1	ELLSWORTH	20.0	AMERICAN ENERGY S
8240720		3409920568		108		SCHESLER #1	ELLSWORTH	6.0	AMERICAN ENERGY S
8240721		3409921007		108		WILT #3	GOSHEN	7.0	AMERICAN ENERGY S
-VICTOR MCKENZIE				RECEIVED:	06/28/82	JA: OH			
8240560		3412725393		103	107-TF	JOSEPHINE HELRIGGLE C #2	FULTONHAM	6.0	
-VIKING RESOURCES CORP				RECEIVED:	06/28/82	JA: OH			
8240723		3413321876		108		MYERS-HOWARD UNIT #1		2.0	EAST OHIO GAS CO
8240724		3413322611		103	107-TF	T MIX UNIT #6	DEERFIELD	30.0	
-WALLICK PETROLEUM CO				RECEIVED:	06/28/82	JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8240726		3411925923		103	107-TF	LEONARD SMITH #1	JACKSON	12.0	COLUMBIA GAS TRAN
-WESTMORELAND INVESTORS LTD.				RECEIVED: 06/28/82		JA: OH			
8240727		3416725498		107-DV		EARL & BEULAH CONGLETON #1	LIBERTY	50.0	
-WOA INC 80				RECEIVED: 06/28/82		JA: OH			
8240725		3410322155		103	107-TF	FRANKS #3	SHARON	28.8	

CORRECTIONS TO PREVIOUS NOTICES OF DETERMINATION

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C:	Correction to prior Fed. Register notice
80-34665	TX	Mitchell Energy Corp	Deaver Caddo Congl U #1-1	213	6-06-80	C:	Well Name
80-47267	TX	Tenneco Oil Company	Bowers "A" & "C" #4-A	257	8-18-80	C:	Well Name
80-51380MMS(WY)		Ladd Petroleum Corp	Duncan Federal #30-24 (Mission Cyn)	268	9-17-80	C:	Well is on Federal land; Orig. determ. by ND affirmed by MMS(WY)
81-35251	KY	Plateau Resource Dev	PR-1 William C Parris	460	7-02-81	C:	Well Name
82-00625	TX	GHR Energy	La Perla #29	527	10-30-81	C:	102-4 & 107-TF Approved
82-06192MMS(WY)		Ladd Petroleum Corp	Duncan Federal #30-22	553	12-14-81	C:	Well is on Federal land Orig. determ. by ND affirmed by MMS(WY)
82-10102	OK	Whitmar Exploration Co	Rees #1-13 LT	573	1-08-82	C:	103 Approved; not 102-4
82-14306	TX	Texaco Inc.	C W Lamkin NCT-2 #1	589	2-11-82	C:	Well Name
82-14652	CA	TXO Production	Porter 13-1	591	2-11-82	C:	Well Name
82-14654MMS(WY)		Ladd Petroleum Corp	Duncan Federal #30-24 (Red River)	591	2-11-82	C:	Well is on Federal land Orig. determ. by NG affirmed by MMS(WY)
82-18933	OK	Hadson Petroleum Corp	Blaylock "C" #1	607	3-15-82	C:	102-4 & 103 Approved
82-20608	TX	American Quasar Pet. Co	Truett Flache #1-71	615	4-01-82	C:	Well Name
82-20636	TX	Champlin Petroleum Co	Louis Knesek #2	615	4-01-82	C:	102-2 & 103 Approved
82-25650	TX	TX Petroleum Co	Charlie Mull #2	637	4-23-82	C:	Applicant Name
82-25698	TX	Wagner & Brown	Hildebrand #19-12	637	4-23-82	C:	Well Name
82-25699	TX	Wagner & Brown	Hildebrand #20-26	637	4-23-82	C:	Well Name
82-25891	TX	Bob Wallace Oil Co	#2-7 Hays Trust(04938)	637	4-23-82	C:	Well Name
82-26413	NY	Trahan Petroleum Inc	E Bly #2	640	5-05-82	C:	107-TF Approved; not 107-DV
82-26414	NY	Trahan Petroleum Inc	Cowen #3	640	5-05-82	C:	107-TF Approved; not 107-DV
82-26415	NY	Trahan Petroleum Inc	George Peterson-Croner #4	640	5-05-82	C:	107-TF Approved; not 107-DV
82-26416	NY	Trahan Petroleum Inc	Thomas Potter #2	640	5-05-82	C:	107-TF Approved; not 107-DV
82-26417	NY	Trahan Petroleum Inc	R H Milspaw NY #16	640	5-05-82	C:	107-TF Approved; not 107-DV
82-26418	NY	Trahan Petroleum Inc	B. Rendell-Ny #80	640	5-05-82	C:	107-TF Approved; not 107-DV
82-26419	NY	Trahan Petroleum Inc	Vruwink - NY #13	640	5-05-82	C:	107-TF Approved; not 107-DV
82-26421	NY	Trahan Petroleum Inc	Widrig - NY #68	640	5-05-82	C:	107-TF Approved; not 107-DV
82-26422	NY	Trahan Petroleum Inc	Roger Neil - NY #7	640	5-05-82	C:	107-TF Approved; not 107-DV
82-26423	NY	Trahan Petroleum Inc	Keem #1	640	5-05-82	C:	107-TF Approved; not 107-DV
82-26459	NY	Trahan Petroleum Inc	E Bly #1	640	5-05-82	C:	107-TF Approved; not 107-DV

CORRECTIONS TO PREVIOUS NOTICES OF DETERMINATION

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C:	Correction to prior Fed. Register notice
82-26460	NY	Trahan Petroleum Inc	Leo Ackley #2	640	5-05-82	C:	107-TF Approved; not 107-DV
82-27111	TX	Windsor Producing Co	Erwin Unit #1	642	5-07-82	C:	103 Approved; not 102-2
82-27153	TX	Mitchell Energy	J R Halsdl No. 16	642	5-07-82	C:	103 Approved, not 108
82-27281	TX	Jennings Explo. Co	George Thoreen #2(93059)	642	5-07-82	C:	Well Name
82-28171MMS(NM)		El Paso Natural Gas Co	San Juan 28-7 Unit #154	646	5-17-82	C:	Well Name
82-28244	UT	Frank B Adams	Jouflas #2	646	5-17-82	C:	Well Name
82-28598	PA	Tarrus Oil Corp	Merritt #1 ER1-20871	647	5-17-82	C:	107-TF Approved,
82-29997MMS(WY)		American Quasar Pet Co	Riley Ridge Federal 10-14	652	5-28-82	C:	107-DP Approved, not 107-TF
82-30410	OK	Richard Wheeler Jr	Lattimere #2	654	6-03-82	C:	Well Name
82-31642	OK	Hilliard O & G Inc	#1 Bullock	659	6-08-82	C:	103 Approved, not 102-4
82-31646	OH	Altheirs Oil Inc	Martin #1	659	6-08-82	C:	103 & 107-TF Approved
82-31911	OK	Arkla Cxpl. Company	Essary-Husehy #1-20	660	6-08-82	C:	102-3 Approved, not 102-2
82-32560	TX	Scandrill Co	Putnam #14	662	6-14-82	C:	103 Approved, not 102-4
82-32700	TX	Mobil Prdg Tx & NM Inc	B F Foster #1-A	662	6-14-82	C:	108 Approved, not 108-SA
82-32702	TX	W L Gupton	94197 #1 Milmo - Page	662	6-14-82	C:	Well Name
82-32727	TX	Mark IV Energy	Renato Martinez #1	662	6-14-82	C:	Well Name
82-33010	OK	Boswell Energy Corp	Chisholm #13-9	663	6-14-82	C:	Well Name
82-33032	OK	Rainbow Ventures	Montcastle 31-1	663	6-14-82	C:	103 Approved; not 102-2
82-33098	NM	Mesa Petroleum Co	Acme #6	663	6-14-82	C:	102-2 & 107-TF Approved
82-33149	TX	Lear Petroleum Corp	Bell #2	664	6-14-82	C:	108-SA Approved, not 108-ER
82-33154	TX	Dorchester Gas Prod Co	Sheridan #3	664	6-14-82	C:	108-SA Approved, not 108-ER
82-33433	TX	Delta Oil & Gas	A R Knight "B" #2	664	6-14-82	C:	Well Name
82-33526	TX	Pennzoil Producing Co	Minnie Brown #1	664	6-14-82	C:	108 & 108-ER Approved
82-33532	NM	HNG Oil Co	Kelly #5 "Com #1	665	6-17-82	C:	102-2 & 103 Approved
82-33586	NY	Envirogas Inc	R Davis #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33587	NY	Envirogas Inc	C Bank #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33589	NY	Envirogas Inc	W Pihl #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33594	NY	Envirogas Inc	J J Baker #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33595	NY	Envirogas Inc	J J Baker #2	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33597	NY	Envirogas Inc	D Canfield #2	665	6-17-82	C:	107-TF Approved, not 107-DP
82-33598	NY	Envirogas Inc	D Canfield #3	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33599	NY	Envirogas Inc	C Dengenfelder #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33600	NY	Envirogas Inc	Chautauqua Institution #6	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33601	NY	Envirogas Inc	J Bowen #2	665	6-17-82	C:	107-TF Approved, not 107-DV

CORRECTIONS TO PREVIOUS NOTICES OF DETERMINATION

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C:	Correction to prior Fed. Register notice
82-33602	NY	Envirogas Inc	J Brightman #2	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33603	NY	Envirogas Inc	J Birghtman #3	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33604	NY	Envirogas Inc	C Dinsbier #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33605	NY	Envirogas Inc	Chautauqua Lk Snowmob #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33606	NY	Envirogas Inc	D Canfield #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33607	NY	Envirogas Inc	A Firster #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33608	NY	Envirogas Inc	G Hewes #2	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33609	NY	Envirogas Inc	M Boehm #2	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33610	NY	Envirogas Inc	M Boehm #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33611	NY	Envirogas Inc	J Brightman #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33612	NY	Envirogas Inc	A Firster #2	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33613	NY	Envirogas Inc	C. Carlson #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33614	NY	Trahan Petroleum Corp	D E Schimek-Chautauqua 3	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33615	NY	Sunrise Resources Inc	Richter #3	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33616	NY	Envirogas Inc	R Wassink #2	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33617	NY	Envirogas Inc	G Neckers #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33618	NY	Envirogas Inc	H White #4	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33621	NY	Envirogas Inc	H Wassink #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33622	NY	Envirogas Inc	N.Y. State REF Area 3 #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33623	NY	Envirogas Inc	D Harper #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33624	NY	Envirogas Inc	Legters Brothers #4	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33625	NY	Envirogas Inc	E Oonk #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33626	NY	Envirogas Inc	R Wassink #4	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33627	NY	Envirogas Inc	P Gravink #3	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33628	NY	Envirogas Inc	R Bakerink #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33629	NY	Envirogas Inc	Letgers Brothers #5	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33630	NY	Envirogas Inc	J Legters #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33631	NY	Envirogas Inc	X Wassink #3	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33632	NY	Envirogas Inc	X Wassink #2	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33633	NY	Envirogas Inc	A Rosati #1	665	6-17-82	C:	107-TF Approved, not 107-DV
82-33653	NY	Berea Oil & Gas Corp	Claude Haller Unit #2	665	6-17-82	C:	107-TF Denied, not 107-DV
82-33968	NY	Villanova Nat Gas Corp	Geo & Elmer Burbules #2	666	6-17-82	C:	107-TF Denied
82-34122	OH	Hopewell Oil & Gas Dev	Daniel V. Van Allen	668	6-18-82	C:	103 Approved, 107-TF denied
82-34609	PA	V G Gas Company	Hetrick #2	670	6-22-82	C:	108 Approved; not 103

CORRECTIONS TO PREVIOUS NOTICES OF DETERMINATION

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C:	Correction to prior Fed. Register notice
82-34620	TX	Marshall R. Young Oil Co	Good #1	671	6-22-82	C:	Well Name
82-34648	TX	Texas Oil & Gas	Hooper #1-T	671	6-22-82	C:	Well Name
82-34746	TX	HNG Oil Co	Perkins "200" #1	671	6-22-82	C:	107-DP Approved, not 107-TF
82-34850	TX	Marshall R Young Oil Co	University 14-33 Well #1	671	6-22-82	C:	Well Name
82-34948	NY	Envirogas Inc	W Gill #2	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34949	NY	Envirogas Inc	D Linqquist #1	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34950	NY	Envirogas Inc	D Breads #2	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34951	NY	Envirogas Inc	N Reed #3	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34952	NY	Envirogas Inc	N Coleman #3	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34953	NY	Envirogas Inc	R Geer #1	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34954	NY	Envirogas Inc	C Latta #2	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34955	NY	Envirogas Inc	Legters Bros #6	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34956	NY	Envirogas Inc	J Patterson #1	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34957	NY	Envirogas Inc	D and B #1	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34958	NY	Villanova Natural Gas	Geo & Elmer Burbules #1	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34959	NY	Villanova Natural Gas	State Ref Area 6 #2	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34960	NY	Envirogas Inc	H White #2	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34961	NY	Villanova Natural Gas	State Ref Area 6 #6	672	6-28-82	C:	107-TF Approved, not 108-DV
82-34962	NY	Envirogas Inc	R. Nickerson #1	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34963	NY	Envirogas Inc	H White #3	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34964	NY	Envirogas Inc	W Durst #1	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34965	NY	Envirogas Inc	H White #1	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34966	NY	Envirogas Inc	P Gravink #1	672	6-28-82	C:	107-TF Approved, not 107-D
82-34967	NY	Envirogas Inc	R Wassink #3	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34968	NY	Envirogas Inc	P Heslink #3	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34969	NY	Envirogas Inc	P Heslink #2	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34970	NY	Envirogas Inc	Big Tree #1	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34971	NY	Envirogas Inc	R Wassink #5	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34972	NY	Envirogas Inc	Legters Brothers #7	672	6-28-82	C:	107-Tf Approved, not 107-DV
82-34973	NY	Envirogas Inc	J Williams #1-A	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34974	NY	Envirogas Inc	J Sventek #1	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34975	NY	Envirogas Inc	W Gill #1	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34976	NY	Envirogas Inc	E Martt #1	672	6-28-82	C:	107-TF Approved, not 107-DV
82-34977	NY	Envirogas Inc	P Gravink #2	672	6-28-82	C:	107-TF Approved; not 107-DV

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19892 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-C

[Docket No. ER82-647-000]

Arkansas Power & Light Co.; Notice of Filing

July 16, 1982.

The filing Company submits the following:

Take notice that on July 6, 1982, Arkansas Power & Light Company (Company) tendered for filing proposed changes in Arkansas Power & Light Company Rate Schedule FPC No. 49.

This Rate Schedule is a contract between the Company and the City of North Little Rock. The only change is an increase in the maximum capacity made availabile at two substation points of delivery. The Company states that it does not believe that the increase in capacity will have any material effects upon the billing and that no billing data was filed. The Company states that there will be no change in rates or provisions in the contract other than those noted above.

A copy of the filing has been mailed to the City of North Little Rock.

Any person desiring to be heard or to protest this 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 July 30, 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 interevene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19877 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2014-000]

Vincent E. Beacom; Notice of Application

July 19, 1982.

The filing individual submits the following:

Take notice that on July 6, 1982, Vincent E. Beacom filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President: Northern States Power Company (Wisconsin)

President: Lake Superior District Power Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 August 9, 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 interevene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19878 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4942-001]

The City of Ukiah; Notice of Surrender of Preliminary Permit

July 20, 1982.

Take notice that the City of Ukiah, California (Ukiah) Permittee for the Deep Hole Creek Project No. 4942, has requested that its preliminary permit be terminated. The permit was issued on November 27, 1981, and would have expired on May 1, 1983. The project would have been located on Deep Hole Creek in Mendocino County, California.

Ukiah filed its request on June 29, 1982, and the surrender of the permit for Project No. 4942 is deemed acceptable as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19879 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP72-157-054, et al.]

Consolidated Gas Supply Corp., et al.; Notice of Filing of Pipeline Refund Reports and Refund Plans

July 16, 1982.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 30, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date and company	Docket No.	Type filing
6/28/82 Consolidated Gas Supply Corp.	RP72-157-054	Report.
6/30/82 Midwestern Gas Transmission Co.	RP80-23-011	Do.
6/30/82 Midwestern Gas Co.	CP66-110-027	Do.
6/30/82 Natural Gas Pipe Line Co. of America.	RP80-11-009	Do.
7/2/82 Consolidated Gas Supply Corp.	RP72-157-055	Do.
7/2/82 Consolidated Gas Supply Corp.	RP81-114-004	LFUT Report.
7/6/82 Kansas-Nebraska Natural Gas Co.	RP82-44-002	Do.
7/7/82 Tennessee Natural Gas Lines, Inc.	RP81-143-006	Do.
7/7/82 National Fuel Gas Supply Corp.	RP80-135-019	Report.
7/7/82 Tennessee Natural Gas Lines, Inc.	RP71-11-015	Do.

[FR Doc. 82-19880 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-646-000]

Idaho Power Co.; Notice of Filing

July 16, 1982.

The filing Company submits the following:

Take notice that on July 6, 1982, Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during May, 1982, along with cost justification for the rate charged.

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 July 30, 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 available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19881 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-45-000]

Independent Oil & Gas Association of West Virginia, Ashland Exploration, Inc.; Notice of Petition for Waiver

Issued: July 19, 1982.

Take notice that on June 11, 1982, Independent Oil & Gas Association of West Virginia (IOGA) and Ashland Exploration, Inc. (Ashland) filed pursuant to § 1.7 of the Commission's Rules of Practice and Procedure a petition for waiver of § 271.804(e)(1)(ii) of the Commission's regulations under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3342 (Supp. IV 1980). Specifically, IOGA and Ashland request a waiver of the 5,400 Mcf limit set forth in § 271.804(e)(1)(ii) of the Commission's regulations.

IOGA and Ashland state that on March 26, 1982, Appalachian producers of which Ashland is a member and many of whom belong to IOGA, received a letter from Columbia Gas Transmission Corporation (Columbia) which stated that due to market requirements, Columbia would interrupt purchases from each Appalachian producer for 90 days between March and November of 1982. IOGA and Ashland further state that the shut-in will cause well pressures to increase and concomitantly an increase in production.

The Commission adopted an interim rule which provided that short-term over-production as a result of temporary pressers build-up should not cause a stripper well to lose that status. That interim rule allows continued stripper well status for wells temporarily shut-in if production is less than 5,400 Mcf for any 90-day production period (i.e., less than an average of 60 Mcf per day). Section 271.804(e)(1)(ii). IOGA and Ashland allege that when wells that normally produce slightly less than 60 Mcf per production day are shut-in for a 90-day period, the rate of production following the shut-in could easily exceed 5,400 Mcf for a 90-day period. To avoid the alleged hardship and inequity due to the loss of stripper well status as a result of increased production caused by the Columbia shut-in, IOGA and Ashland request a waiver of the 5,400 Mcf limit set forth in § 271.804(e)(1)(ii) of the Commission regulations. So as to enable the affected wells to continue to qualify for stripper well prices, IOGA and Ashland further request waiver of the requirement that a state jurisdictional agency must approve qualification under § 271.804(e).

Any person desiring to be heard or to protest this request should file on or before August 23, 1982 with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered but will not 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 must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19882 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-648-000]

Long Island Lighting Co.; Notice of Filing

July 16, 1982.

The filing Company submits the following:

Take notice that Long Island Lighting Company (LILCO) on July 6, 1982, tendered for filing proposed changes in its FERC Rate Schedule 32, pursuant to which LILCO transmits power and energy from the Power Authority of the State of New York to the three municipal electric utilities on Long Island: the Villages of Greenport, Rockville Centre and Freeport. The proposed changes would increase revenues from such service by $1,226.82 based on the 12-month period ending May 31, 1982.

LILCO requests an effective date of June 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Power Authority of the State of New York, the Municipal Electric Utilities Association, the Villages of Greenport, Rockville Centre and Freeport and the New York State Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 30, 1982. Protests will be considered by the Commission in determing 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.

Kennth F. Plumb,

Secretary.

[FR Doc. 82-19883 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2012-000]

Richard A. Reckert; Notice of Application

July 19, 1982.

The filing individual submits the following:

Take notice that on June 30, 1982, Richard A. Reckert filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President: The Connecticut Light and Power Company
Vice President: The Hartford Electric Light Company
Vice President: Western Massachusetts Electric Company
Vice President: Holyoke Water Power Company
Vice President: Holyoke Power & Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 August 6, 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. 82-19884 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP80-58-000]

The State of Oklahoma and the Corporation Commission of the State of Oklahoma, Complainants v. Western Gas Interstate Co. and Southern Union Gas Co., Respondents; Notice of Motion To Terminate Proceeding Without Prejudice and Establishing Period for Comments

July 19, 1982.

Take notice that on July 6, 1982, the State of Oklahoma and the Corporation Commission of the State of Oklahoma (Complainants) filed with the Secretary of the Federal Energy Regulatory Commission a motion to terminate this proceeding without prejudice and a memorandum in support of the motion. Copies of the pleadings have been served on the respondents and intervenors and are available at the offices of the Commission for inspection

Oklahoma's complaint was filed on December 4, 1979, and amended on September 4, 1981.

On May 4, 1982, the Commission issued a notice of technical conference in Oklahoma City, Oklahoma for June 9, 1982, and granted petitions to intervene.

In its motion, Oklahoma states that upon discussion of the matter, no party objects to the motion. In its supporting memorandum, Oklahoma states, *inter alia,* that the Commission's decision in Opinion No. 120 in Docket No. CP76-462, *et al.,* Oklahoma's reviews of respondents' compliance with fuel adjustment charges and its tariffs indicate that prosecution of the complaint in this docket would not serve the best interests of the rate payers and regulatory agencies involved. Oklahoma also notes that it has intervened in respondents' other Federal and State rate proceedings wherein the practices and rates of resondents are being examined.

Take further notice that any party desiring to submit comments on the motion to terminate may do so by filing written comments on or before August 9, 1982. Reply comments may be filed on or before August 24, 1982. The Commission may take final action in this proceeding based on the record, including the motion and comments received.

Any person desiring to be heard or to make any protest with reference to said motion should on or before August 9, 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 party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19885 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. SA81-16-000, SA82-16-000]

Southern Union Gathering Co.; Notice of Informal Settlement Conference

Issued: July 16, 1982.

Take notice that on Monday August 2, 1982 at 1:30 p.m., there will be an informal settlement conference in the above captioned proceedings. The conference will be held in a room to be announced at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Parties, participants, intervenors and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter, attendance will not be deemed to authorize intervention as a party to these proceedings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19886 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP80-106-000]

Trunkline Gas Co.; Notice of Informal Conference

July 19, 1982.

Take notice that an informal conference in the above-captioned docket will commence at 10:00 a.m. on August 10, 1982. This conference is being convened to finalize the procedural dates and mechanism for the offering of a settlement proposal, if one is accomplished, and to agree upon a hearing date if no settlement is reached.

This conference will be held in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Customers and other interested persons will be permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19887 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC82-12-000]

Union Electric Co.; Notice of Application

July 19, 1982.

Take notice that on July 2, 1982, Union Electric Company (Applicant) filed and application pursuant to Section 203 of the Federal Power Act seeking an order authorizing the purchase from Missouri Power & Light Company, its subsidiary, of 200,000 shares of common stock, $5 par value, for a consideration of $12.00 per share. The Applicant is a Missouri corporation, with its principal business office at St. Louis, Missouri, and primarily is engaged in the electric utility business in Missouri, Iowa and Illinois.

Missouri Power & Light Company also is a Missouri corporation, with its principal business office in Jefferson City, Missouri, and primarily is engaged in the electric utility business in Missouri. Applicant owns all of the presently issued and outstanding shares of common stock, $5 par value, of said company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 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 available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19888 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-113-000]

Errata Notice to Notice of Application for Commission Certification of Qualifying Status of a Small Power Production Facility; Walter Verduyn; Correction

July 19, 1982.

In Docket No. QF82-113-000 appearing in the **Federal Register** issue of June 3, 1982 on page 24191, make the following correction: On page 24191 in the first column, in the third complete paragraph, lines one and two, and in the fourth complete paragraph lines one and two.

"On April 10, 1982 Dr. Walter Verduyn, M.D. located at RR2, in Elkader, Iowa" is corrected to read "On April 10, 1982 Dr. Walter Verduyn, M.D. located at RR, Reinbeck, Iowa".

"The facility will be a 10 kilowatt wind installation located in Elkader, Iowa" is corrected to read "The facility will be a 10 kilowatt wind installation located in Reinbeck, Iowa".

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19889 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Projects Nos. 4201-001, 4432-001, 4434-001]

Wisconsin Public Power Incorporated System; Notice of Surrender of Preliminary Permit

July 20, 1982.

Take notice that Wisconsin Public Power Incorporated System (WPPIS) Permittee for the Mississippi River Lock and Dam Nos. 7, 8, and 9, Projects Nos. 4432, 4434, and 4201 respectively, has requested that its preliminary permits be terminated. The preliminary permit for Project No. 4201 was issued on June 22, 1981, and would have expired on June 1, 1983. The project would have been located on the Mississippi River in Crawford County, Wisconsin and Allamake County, Iowa. The preliminary permit for Project No. 4432 was issued on September 28, 1981, and would have expired on September 1, 1983. The project would have been located on the Mississippi River in LaCrosse County, Wisconsin. Project No. 4434 was issued on October 7, 1981, and would have expired on October 1, 1983. The project would have been located on the Mississippi River in Vernon County, Wisconsin and Houston County, Minnesota.

The WPPIS feasibility studies of the sites indicate that they are of marginal economic value for hydropower development. In addition, WPPIS stated that the marginal economic value, together with the current economic conditions, do not warrant additional expenses for a full-scale feasibility analysis of the sites.

WPPIS filed the requests for Projects Nos. 4201, 4432, and 4434 on June 28, 1982, and the surrender of Projects Nos. 4201, 4432, and 4434 have been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19890 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-174-002]

Colorado Interstate Gas Co.; Notice of Petition To Amend

July 19, 1982.

Take notice that on June 21, 1982, Colorado Interstate Gas Company (Petitioner), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP81-174-002 a petition to amend the order issued August 11, 1981, in Docket No. CP81-174-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the sale of natural gas to Trans Louisiana Gas Company (Trans La) for an extended time expiring August 31, 1984, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued August 11, 1981, Petitioner was authorized to sell to Trans La on a best-efforts basis up to 150,000 Mcf of natural gas per day over a three-year term of the agreement ending July 31, 1982. Petitioner proposes herein to continue the sale of natural gas to Trans La until August 31, 1984.

It is asserted that the sale to Trans La is made at a sales price per Mcf equal to the effective rate in Rate Schedule EX-1 in Petitioner's FERC Gas Tariff, Original Volume 1, which is currently 341.27 cents per Mcf.

Petitioner explains that it anticipates a surplus supply of gas which it can make available for sale without reducing or jeopardizing service to existing customers. It is noted that for fiscal years 1983 and 1984, 104,679,000 Mcf of gas and 96,253,000 Mcf of gas, respectively, are projected as surplus supplies over customer requirements. Petitioner maintains that the proposed sale would reduce the risk of incurring take-or-pay penalties under certain gas purchase contracts and in addition would allow Petitioner to continue its search for new long-term gas supplies.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 9, 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 Procudure (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 proceedings. 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 itervene in accordance with the Commission's Rules.

Kenneth F. Plumb.

Secretary.

[FR Doc. 82-19984 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-398-000]

Columbia Gas Transmission Corp.; Notice of Application

July 19, 1982.

Take notice that on July 2, 1982, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP82-398-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas storage services to certain of its wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been rendering storage service in Rate Schedule CSS to certain of its wholesale customers. Applicant submits that in view of its projected ability to meet its wholesale customers' requirements along with the capability to meet the requirements of a 10 percent colder-than-normal winter season, Applicant should be permitted to cancel CSS storage services to 9 wholesale customers. The 9 customers which Applicant states have elected to discontinue the storage service as of January 1, 1983, are Columbia Gas of Kentucky, Inc., Columbia Gas of Ohio, Inc., Columbia Gas of Maryland, Inc.,

Columbia Gas of New York, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of West Virginia, Inc., The Dayton Power & Light Company, and UGI Corporation.

Applicant further states that the additional storage capacity of approximately 10,100,000 Mcf which would become available as a result of the abandonment would be used by Applicant in its overall system storage operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 9, 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19985 Filed 7-22-82: 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-393-000]

Iowa-Illinois Gas and Electric Co.; Notice of Application

July 19, 1982.

Take notice that on June 29, 1982, Iowa-Illinois Gas and Electric Company (Applicant), P.O. Box 4350, Davenport, Iowa 52808, filed in Docket No. CP82-393-000 an application pursuant to Section 7(c) of the Natural gas Act for a certificate of public convenience and necessity authorizing it to increase the nominal operating pressure of both its Muscatine/West Liberty-Wilton System and its Wilton-Durant Extension and to construct and operate its Wilton extension, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to increase the operating pressure of the Muscatine/West Liberty-Wilton System from a nominal operating pressure of 400 psig to a nominal operating pressure of 600 psig. (Applicant also proposes to increase the operating pressure of the Wilton-Durant Extension from a nominal operating pressure of 400 psig to a nominal operating pressure of 600 psig.

Applicant further proposes to construct and operate the Wilton Extension, approximately 1.57 miles of 4-inch diameter pipeline and related facilities with a nominal operating pressure of 600 psig. The Wilton Extension would commence at a point in the existing 4-inch facility, a part of the Muscatine/West Liberty-Wilton System, Muscatine County, Iowa, extending in a northerly direction to Applicant's proposed regulator station, it is stated.

Applicant asserts that the proposed pressure increase for the combined system would result in a system capacity increase of from 9,010 Mcf per day to 14,284 Mcf per day or 5,274 Mcf per day which Applicant maintains is necessary to supply the increased process requirements of an existing industrial customer and to maintain adequate service capabilities.

Applicant estimates total costs related to the increase in nominal operating pressure from 400 psig to 600 psig on the existing Muscatine/West Liberty-Wilton System and Wilton-Durant Extension to be $78,830 and the estimated total cost of the proposed Wilton Extension to be $146,360. Applicant states it would finance these costs from funds now on hand.

Any person desiring to be heard or to make any protest with reference to said applicantion should on or before August 9, 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. 82-19986 Filed 7-22-82: 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6350-000]

Juliette Associates; Notice of Application for License (5 MW or Less)

July 20, 1982.

Take notice that Juliette Associates (Applicant) filed on May 20, 1982, an application for license [Pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for continued operation of a water power project to be known as the Trio Project No. 6350. The project would be located on the Ocumlgee River in East Juliette, Jones and Monroe Counties, Georgia. Correspondence with the Applicant should be directed to: Juliette Associates, P.O. Box 1144, 108 E. Ponce DeLeon Avenue, Decatur, Georgia 30030.

Project Description—The project would consist of: (1) An existing

reservoir with a surface area of approximately 78 acres and a normal storage capacity of 418 acre-feet at 368 feet NGVD elevation; (2) the existing 20-foot-high, 1,280-foot-long Middle Georgia Fuels Products, Inc.'s concrete gravity Juliette Dam; (3) an existing 400-foot-long intake canal; (4) two existing powerhouses located on the east bank of the dam with generating units having an estimated total installed capacity of 840-kW and producing an average annual energy output of 7,000 MWh; and (5) appurtenant facilities. Energy produced at the project would be sold to a public utility. The project will be operated as a run-of-river facility.

Purpose of Project—The Trio Project is an existing hydroelectric facility presently generating power for the adjacent Trio Manufacturing Company mill. The Applicant proposes to acquire the project and sell the power generated to a utility. Future rehabilitation of the right bank of the dam for power generation is contemplated.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 27, 1982, either the competing application itself (See 18 CFR 4.33(a) and (d) or a notice of intent (See 18 CFR 4.33(b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interesting person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

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 September 27, 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. 82-19983 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6332-000]

McDowell Forest Products, Inc.; Notice of Application for License (Minor)

July 20, 1982.

Take notice that McDowell Forest Products, Inc. (Applicant) filed on May 14, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as Indian Power Project No. 6332. The project would be located on Indian Creek, partially within the Plumas National Forest in Plumas County, California. Correspondence with the Applicant should be directed to: Mr. Bruce McDowell, McDowell Forest Products, Inc., Post Office Box 131, Taylorsville, California 95983.

Project Description—The proposed project would consist of: (1) A steel penstock 22 inches in diameter by 2,800 feet long tapping a natural pool at elevation 4,200 feet; (2) 3,200 feet of penstock 16 inches in diameter; (3) a powerhouse at elevation 3,800 feet containing a turbine generator with a 300-kW capacity and a 1.746-GWh average annual output; and (4) a transmission line 1,000 feet long. The Applicant estimates that the project would cost $238,000.

Purpose of Project—The project would utilize the natural fall of Indian Creek for hydroelectric power development. The Applicant expects to sell power output to the Pacific Gas and Electric Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 27, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d)] or a notice of intent [See 18 CFR 4.33 (b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

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 September 27, 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, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB 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. 82-19987 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6397-000]

Lawrence J. McMurtrey; Notice of Application for Preliminary Permit

July 20, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on June 2, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6397 to be known as the Helena Creek Water Power Project located on Helena Creek, within Snoqualmie-Mt. Baker National Forest in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Lawrence J. McMurtrey, 12122 196th N.E., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) Two 2-foot-high diversion structures on Helena Creek; (2) a 12-inch and 24-inch-diameter, 600-foot and 13,000-foot-long penstock, respectively; (3) a powerhouse containing a generating unit with a rated capacity of 1.81 MW; and (4) appurtenant facilities. The Applicant estimates a 9.5 GWh average annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $40,000. Power would be sold to Puget Sound Power and Light.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 29, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981].

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 September 29, 1982, and should specify the type of application forthcoming. Any application for license 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].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than November 29, 1982.

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 September 29, 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. 82-19988 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-73-001]

Natural Gas Pipeline Company of America, et al.; Notice of Petition To Amend

July 19, 1982.

Take notice that on June 28, 1982, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP81–73–001 a joint petition to amend the order issued July 31, 1981, in Docket No. CP81–73–000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the substitution of Transco for Natural as co-owner with Tennessee of certain offshore pipeline and related facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that by order issued July 31, 1981, Natural and Tennessee were authorized to construct, own, and operate jointly 13.5 miles of 12-inch pipeline. Tennessee individually was authorized to construct and operate another 1.4 miles of 6-inch pipeline. The 1.4 miles of 6-inch pipeline and the 13.5 miles of 12-inch pipeline interconnect at the Tenneco Oil Company production platform in the Brazos Block A–17, offshore Texas. The 13.5 miles of 12-inch pipeline extends from this interconnection in a northwesterly

direction to an interconnection with an existing 30-inch pipeline owned by Transco in the Brazos Block 538, offshore Texas. The 12-inch pipeline was to be owned 75.25 percent by Tennessee and 24.75 percent by Natural.

Under a June 11, 1981, exchange and transportation agreement between Natural and Transco, it is stated that Transco agreed to receive natural's volumes produced from Brazos Block A–17 at the point of interconnection between the pipeline facilities extending between Blocks A–17 and 538 and the producer facilities in Block A–17. Transco states it would also receive volumes available to Natural from South Marsh Island Blocks 107 and 114 at an existing interconnection between an extension of Transco's Southeast Louisiana Gathering System and the producer facilities located in South Marsh Island Block 107, offshore Louisiana. In return, by exchange, Natural states it would receive volumes available to Transco from Vermilion Block 348, offshore Louisiana, at a point of interconnection between facilities constructed and owned by Natural and Trunkline Gas Company and producer facilities in Vermilion Block 348.

Petitioners request that Transco be allowed to become co-owner in place of Natural and operate the above described 12-inch line and related facilities so that Transco can use its own capacity to perform the service it agreed to in the June 11, 1981, exchange and transportation agreement.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 9, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–19989 Filed 7–22–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP81–304–004]

Natural Gas Pipeline Co. of America; Notice of Petition To Amend

July 19, 1982.

Take notice that on June 29, 1982, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81–304–004 a petition to amend the order issued August 12, 1981, in Docket No. CP81–304–000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the extension of a term of sale of natural gas to United Gas Pipe Line Company (United), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued August 12, 1981, it was authorized to sell on a best-efforts basis up to 37,000,000 Mcf of natural gas to United for a term expiring on July 31, 1982. It is also stated that on April 15, 1982, Petitioner and United executed Amendment No. 1 to their gas sales agreement dated April 9, 1981, extending the term of the sale in order to sell an additional 20,000,000 Mcf for the period of extension.

Petitioner states that it requests the extension of the term of the sale of natural gas to United for an additional term of 363 days commencing upon the earlier of August 1, 1982, or the date upon which Petitioner has sold 37,000,000 Mcf of natural gas to United under the August 12, 1981, order. It is also stated that Petitioner requests authorization to sell up to 20,000,000 Mcf to United for the term of the extension.

It is further stated that Petitioner's gas supply is sufficient to extend the term of the sale to United without impairing service to its present customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 9, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth R. Plumb,

Secretary.

[FR Doc. 82–19990 Filed 7–22–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–380–000]

Northwest Pipeline Corp.; Notice of Application

July 19, 1982.

Take notice that on June 17, 1982, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP82–380–000 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 facilities and the transportation of natural gas to effectuate the direct sale of natural gas to Union Oil Company of California (Union), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a direct sales contract dated October 16, 1981, Applicant has agreed to sell for the period from April 16 through October 14 of each year, a firm contract demand of 170,000 therms equivalent of gas and for the period from October 15 through April 15 a daily firm contract demand of 80,000 therms equivalent of gas and an interruptible daily volume of 90,000 therms equivalent.

Applicant, therefore, proposes to construct and operate the facilities necessary to deliver the gas into Union's facilities in Garfield County, Colorado. Specifically, Applicant proposes to construct and operate two 6-inch taps on its Piceance Creek lateral, one 6⅝-inch O.D. measuring station and approximately 26.6 miles of 8⅝-inch pipeline extending from the outlet side of the 6-inch tap to a point of delivery to Union in Garfield County, Colorado. The total cost of the proposed facilities is estimated at $5,000,000 to be financed from current operating revenues or short-term borrowings either of which would ultimately be refinanced by the issuance of long-term corporate financing.

Applicant further requests authority to transport the subject gas in order to effectuate the direct sale to Union.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 9, 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. 82-19991 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-5035-000, et al.]

Shell Oil Co., et al.; Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates[1]

July 19, 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 August 2, 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 band 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 ft [3]	Pressure base
G-5035-000, D, July 7, 1982	Shell oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Texas Gas Transmission Corporation, Chalkley Field, Cameron Parish, Louisiana.	(1)	
G-11613-002, D, July 2, 1982	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Texas Eastern Transmission Corporation, East Meyersville Field, DeWitt and Victoria Counties, Texas.	(2)	
G-17379-004, D, July 1, 1982	Texaco Inc., P.O. Box 2420, Tulsa, Oklahoma 74102	Transwestern Pipeline Co., Harper Ranch Field, Clark County, Kansas.	(2)	
CI61-613-000, D, July 2, 1982	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Northern Natural Gas Company, Hugoton Field, Kearney, Seward, and Stevens Counties, Kansas.	(4)	
CI61-737-000, D, July 2, 1982	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Transwestern Pipeline Company, Cree Flowers Field, Roberts & Ochiltree Counties, Taxas.	(5)	
CI61-737-001, D, July 2, 1982	do	Transwestern Pipeline Company, Catesby-Ellwood Field Ellis County, Oklahoma.	(5)	
CI62-628-000, (CI62-630), June 28, 1982.	Amoco Production Company, 1814 Amoco Building, 1670 Broadway, Denver, Colorado 80202.	Northern Natural Gas Company, NE Gate Lake and Six Mile Fields, Harper and Beaver Counties, Oklahoma.	(6)	14.65
CI65-199-000, D, June 29, 1982	Texaco Inc., P.O. Box 2100, Denver, Colorado 80201.	El Paso Natural Gas Company, Basin Dakota Field, San Juan County, New Mexico.	(4)	
CI67-878-000, D, July 6, 1982	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Panhandle Eastern Pipeline Company, Bishop *et al.* Fields, Ellis County, Oklahoma.	(7)	
CI71-872-000, D, July 6, 1982	Sun Exploration and Production Company (Formerly Sun Oil Company), P.O. Box 20, Dallas, Texas 75221.	Michigan Wisconsin Pipe Line Company, Lovedale Field, Woodward County, Oklahoma.	(8)	15.025
CI76-729-002, Jan. 15 1981	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suit 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corporation, South Pelto 10 Field, Federal Offshore Louisiana.	(9)	
CI78-192-001, D, July , 1982	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Montana-Dakota Utilities Company, Cabin Creek Unit, Fallon County, Wyoming.	(10)	
CI82-211-001, July 8, 1982	Shell Offshore Inc., One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Tennessee Gaspipe Line Company, Main Pass Block 37, Offshore Louisiana.	(11)	15.025
CI82-313-000, A, July 1, 1982	Aminoil USA, Inc., Golden Center One, 2800 North Loop West, Post Office Box 94193, Houston, Texas 77018.	Transcontinental Gas Pipe Line Corporation, Ship Shoal Area Block 113, Offshore Louisiana.	(12)	15.025
CI82-314-000, (CI74-647), B, July 2, 1982.	Phillips Petroleum Company, 336 Home Savings & Loan Bldg., Bartlesville, Oklahoma 74004.	Kansas-Nebraska Natural Gas Company, Section 2, 2 North, 52 West, Washington County, Colorado.	(13)	

[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 ft ³	Pressure base
CI82-315-000, A, July 2, 1982	Aminoil USA, Inc., Golden Center One, 2800 North Loop West, Post Office Box 94193, Houston, Texas 77018.	Transcontinental Gas Pipe Line Corporation, South Pelto Area Block 20 Field, Offshore Louisiana.	([15])	15.025
CI82-316-000, A, July 2, 1982	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Northern Natural Gas Company, Mocane-Laverne Field, Harper County, Oklahoma.	([16])	14.73
CI82-317-000, (CI69-514), B, July 2, 1982.	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Kansas-Nebraska Natural Gas Company, Red Lion Field, Sedgwick County, Colorado.	([17])	

[1] Shell Lease No. L-4128 dated October 19, 1935 located in T-12-S, R-6-W in Sections 15, 17, 20, 21, 22 and 27 is beyond its primary term. Due to demand by lessor, Shell released subject lease.
[2] Conoco's leasehold interest in the Ruschhaupt Leases is limited to depths not covered by the subject rate schedule.
[3] Leases were released.
[4] Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.
[5] Applicant is filing under Rollover Contract dated July 1, 1971, and requests that Rate Schedule No. 324 be cancelled and certificate issued in Docket No. CI62-630 be terminated.
[6] Purchaser has refused to connect the well due to economic reasons.
[7] By partial assignment of Oil and Gas Lease, effective March 1, 1982 assigned to Kaiser-Francis Oil Company, all of its right, title and interest in and to that certain producing acreage.
[8] Sun released rights to leases because all economically recoverable reserves had been depleted.
[9] Applicant is filing under Gas Sales Contract, as amended, dated July 29, 1976, amended by amendment dated November 24, 1980, but made effective April 1, 1979 which adds deeper gas reservoirs to the basic contract.
[10] Leases released-MN 6691-1 and MN6701-1. Nonproducting lease.
[11] Applicant is filing under Letter Agreements dated February 8, 1982 and April 30, 1982, so as to increase Applicant's percentage of gas dedicated hereunder to 100% (being 56.25% of all gas sold).
[12] Applicant is filing under Gas Purchase Contract dated April 9, 1982 and Letter Agreements dated April 22, 1982 and May 14, 1982.
[13] Applicant is filing under Rollover Gas Purchase Agreement dated January 9, 1981, and seeks authorization effective January 1, 1982 (as a result of merger with Aminoil Development Inc.).
[14] Depletion and release of acreage.
[15] Applicant is filing under Rollover Gas Purchase Contract dated February 20, 1981, and seeks authorization effective January 1, 1982 (as a result of merger with Aminoil Development Inc.).
[16] Applicant is filing under Rollover Gas Purchase Contract dated June 21, 1982.
[17] Acreage subject to RS #344 was assigned or surrendered to lessor(s).
Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 82-19992 Filed 7-22-82; 8:45 am]
BILLING CODE 6717-0-M

[Docket No. CP81-291-004]

Texas Eastern Transmission Corp.; Notice of Petition to Amend

July 19, 1982.

Take notice that on June 23, 1982, Texas Eastern Transmission Corporation (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-291-004 a petition to amend the order issued July 24, 1981, in Docket No. CP81-291-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of three 8-inch meter runs, all as more fully set fourth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued July 24, 1981, it was authorized to construct and operate a 10-inch meter run in addition to the two 6-inch meter runs at regulating station number 2004 in Chester County, Pennsylvania, (M & R 2004) which is used to render service to Philadelphia Electric Company (Philadelphia Electric).

Subsequent to receipt of authorization to install the 10-inch meter run, Petitioner determined that the expansion as proposed was not the most feasible method. Installation of a 10-inch meter run would require major modification to the building, it is asserted. Petitioner states that it has been determined that the two 6-inch meter runs can be replaced with three 8-inch meter runs within the same building requiring no building modification. It is asserted that this would provide sufficient delivery capacity to Philadelphia Electric. Petitioner estimates that the revised expansion will cost $354,750.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 9, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19993 Filed 7-22-82; 8:45am]
BILLING CODE 6717-01-M

[Docket No. CP82-396-000]

Westar Transmission Co., a Division of Pioneer Corp.; Notice of Application

July 19, 1982.

Take notice that on June 30, 1982, Westar Transmission Company, a Division of Pioneer Corporation (Applicant), P.O. Box 511, Amarillo, Texas 79163, filed in Docket No. CP82-396-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 284.222 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport and sell natural gas in interstate commerce as if Applicant were an intrastate pipeline as defined in Subparts C, D, and E of Part 284 of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) as well as Section 284.203 thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it transports and sells primarily intrastate gas, but it also purchases some quantities of natural gas from companies subject to the Commission's jurisdiction within the State of Texas. For the twelve-month period ending May 31, 1982, Applicant states that it received 233,000,000 Mcf of gas from all sources of which 80,000,000 Mcf were volumes sold in interstate commerce but received by Applicant within the State of Texas. Applicant further states that its Texas facilities are regulated by the Texas Railroad Commission (TRRC).

Applicant submits that the TRRC is an "appropriate state regulatory agency" within the meaning of the NGPA Regulation and that Applicant qualifies for exemption from the Commission's jurisdiction under Section 1(c) of the Natural Gas Act. Applicant proposes that this blanket authority would apply to its West Texas System only.

Applicant submits that it would comply with the conditions set forth in § 284.222(e) of the Commission's Regulations.

Applicant further states that it has existing rates on file with the appropriate state regulatory agency for city-gate service and elects to use the rate methodology provided by § 284.123(b) (1)(i) of the Commission's Regulations.

Applicant requests the Commission to determine that no customer of Applicant would become a natural gas company within the meaning of the Natural Gas Act or otherwise become subject to the jurisdiction of the Commission by reason of purchasing or transporting gas which has been delivered from a commingled stream being transported by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 9, 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. 82-19994 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6365-000]

Western Hydro Electric, Inc.; Notice of Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 20, 1982.

Take notice that on May 24, 1982, Western Hydro Electric, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) 16 U.S.C. 2705, and 2708 *as amended),* for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6365 would be located on the Vermillion River, near Trout Creek in Sanders County, Montana. The proposed project would occupy U.S. lands in Kaniksu National Forest. Correspondence with the Applicant should be directed to: Mr. Donald J. White, Western Hydro Electric, Inc., Commercial Security Bank Building, Suite 600, 50 So. Main Street, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) A 6-foot-high, 89-foot-long concrete diversion structure on Vermillion River; (2) a concrete intake; (3) a 28,800-foot-long, 72-inch-diameter penstock; (4) a 6-foot-high, 50-foot-long concrete diversion structure on Cataract Creek; (5) a concrete intake; (6) a 2,500-foot-long, 24-inch-diameter penstock; (7) a powerhouse containing one generating unit rated at 4,000 kW; and (8) a 2-mile-long transmission line, not included as part of the project. The average annual energy generation is estimated to be 20 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Montana Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presummed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before September 7, 1982 either the competing license application that propose to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.333(a) and (d) (1980).

Comments, Protest, or Petition 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 September 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426. An

additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-19995 Filed 7-22-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of June 7 Through June 11, 1982

During the week of June 7 through June 11, 1982, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy.

Appeal

Paul B. Woodall, Jr., June 9, 1982, HFA-0055

Paul B. Woodall, Jr. filed an Appeal from a determination issued by the Director of the Office of Personnel of the Department of Energy regarding his Request for Access to Counselling Records submitted under the Privacy Act of 1974. The DOE found that the Office of Personnel had failed to follow the procedures set forth in 10 CFR 1008.8(c) which govern an individual's access to his medical and psychological records. The DOE therefore determined that the matter should be remanded to the Director of Personnel.

Remedial Orders

Bill Bailey d.b.a. Bailey's Standard, June 8, 1982, BRO-1505

Bill Bailey d.b.a. Bill Bailey's Standard objected to a Proposed Remedial Order which the Economic Regulatory Administration issued to the firm. The Proposed Remedial Order alleged that Bailey, a retailer of motor gasoline, charged prices which were in excess of the maximum lawful selling price under 10 CFR 212.93(a)(2). The DOE concluded that the findings contained in the Proposed Remedial Order were correct and that it should be issued as a final Remedial Order of the Department of Energy. The DOE also determined that the Proposed Remedial Order should be modified to require payment of the overcharges to the U.S. Treasury. The important issues considered in the Decision and Order were (i) whether charging a combined cents-per-gallon price for gasoline and service in excess of the maximum lawful selling price violates 10 CFR 212.93(a)(2) and (ii) the procedural validity of 10 CFR 210.62(d)(1).

Capital 66 Oil Company, June 9, 1982, DRO-0176

Capital 66 Oil Co. (Capital) objected to a Proposed Remedial Order which the Region IV Office of Enforcement of the Economic Regulatory Administration (ERA) of the Department of Energy issued to the firm. In the Proposed Remedial Order, the ERA found that Capital exceeded maximum lawful prices in its sales of motor gasoline and No. 2 diesel fuel during the period from November 1, 1973 through March 31, 1974. The DOE rejected the firm's contentions that the DOE erred in (i) calculating the firm's costs of product in inventory; (ii) applying a "negative Bank" adjustment in its calculation of Capital's increased costs; and (iii) applying the equal application rule on a retroactive basis. The DOE found merit, however, in Capital's arguments that the ERA improperly (i) established more than one pricing period per month, and (ii) failed to treat as separate inventory certain quantities of diesel fuel which did not pass through the firm's bulk storage facilities. Accordingly, the Proposed Remedial Order was remanded to the Director of Enforcement of DOE Region IV for modifications with respect to the selection of pricing periods and the treatment of inventory that did not enter the firm's storage facilities.

J. M. Reeves Chevron, June 11, 1982, BRW-0100

On May 7, 1980, the Economic Regulatory Administration of the DOE issued a Proposed Remedial Order (PRO) to J. M. Reeves Chevron (Reeves). Since Reeves' Notice of Objection to the PRO was dismissed at the firm's request, the factual and legal bases for the Reeves PRO were no longer contested. Accordingly, the DOE concluded that the PRO should be issued in final form, with the modification that restitution of the overcharges be accomplished through payment to the United States Treasury over a period of time similar to the period that it would have taken the firm to accomplish restitution under the rollback provisions originally set forth in the PRO.

Motions for Discovery

Cool Fuel, Inc., June 10, 1982, BRD-0076

Cool Fuel, Inc. filed a Motion for Discovery in connection with a Statement of Objections to a Proposed Remedial Order issued to the firm. The DOE found that discovery of audit workpapers and other audit file materials, upon which class of purchaser determinations made in the PRO were based, was relevant and material. Accordingly, discovery was granted with respect to that information. In its Motion, Cool also requested information regarding the identity of all DOE employees who examined the firm" records and the dates of those examinations, in order to establish that DOE Officials gave Cool erroneous oral advice which resulted in the price and recordkeeping violations alleged in the PRO. In considering that request, the DOE reiterated its consistent position that a firm may not rely on informal advice to ratify unlawful conduct. The DOE therefore determined that the information sought by Cool regarding the dates of the DOE's examination of the firm's records was irrelevant in determining the validity of the conclusions of the PRO. That portion of Cool's discovery motion was accordingly denied.

Mobil Oil Corporation/Little America Refining Company, June 10, 1982, HED-0038

Mobil Oil Corporation filed a Motion for Discovery and Protective Order in which the firm sought access to financial and operating data submitted by the Little America Refining Company (LARCO), in connection with two exception proceedings pending before the Office of Hearings and Appeals. In considering the Motion, the DOE determined that access to the data was necessary for Mobil's effective participation in the proceedings. The DOE also found that in view of the fact that the factual issues were clearly defined in the early stages of the LARCO proceeding, it was appropriate to approve Mobile's request for discovery prior to the issuance of Proposed Decisions and Order to LARCO.

Request for Modification and/or rescission

Charter Oil Company, June 10, 1982, HYR-0010, HES-0001

Charter Oil Co. filed a Motion for Reconsideration of a Supplemental Order issued to the firm on September 14, 1981, *Charter Oil Co.*, 8 DOE ¶ 82,629 (1981), in which the DOE ordered the firm to refund $4,994,150 in excessive entitlements exception relief that the firm had received for its 1979 fiscal year. In its Motion for Reconsideration, Charter disputed the DOE's finding that the relief the firm had received was excessive. The DOE determined that the agency had properly applied the *Delta* standards to the firm's entire 1979 fiscal year, even though the firm received relief for only a six month period. Accordingly, Charter's Motion for Reconsideration was denied.

Requests for Exception

Highway Oil, Inc. Tommy Oil Co. Inc. Hi-Lo Oil, Workingman's & Friend Oil, Inc., June 10, 1982, HEO-0001, HEO-0004, HEO-0002, HEO-0003

Highway Oil, Inc. and its subsidiaries Hi-Lo Oil, Inc. and Workingman's Friend Oil, and Tommy Oil Co., Inc. filed a Motion for Reconsideration of a Decision and Order issued to the firms by the Cost of Living Counsel in 1979. The CLC denied the firms' request for exception from the provisions of the mandatory price regulations set forth at 6 CFR 150.359 and 10 CFR 212.93. The firms' Request for Modification, if granted, would permit them to retroactively increase their maximum lawful selling price of motor gasoline for 1973 and 1974, thereby excusing the firms from liability for violations of price regulations which they allegedly committed during the period. The DOE found that all the firms had maintained profitable operations not only during the period for which relief was requested, but also for the following 6 years. The DOE concluded that the firms were not adversely affected by the price regulations. Accordingly, exception relief was denied.

Metropolitan Fuels Co., June 9, 1982. BEE-1353

Metropolitan Fuels Company filed an Application for Exception in which the firm sought to be relieved of its obligation to

prepare and submit Form EIA–172. In considering the request, the DOE found that the firm had not demonstrated that completing the form would cause it to experience an inordinate burden. Accordingly, exception relief was denied.

Interlocutory Order

Marathon Oil Company, Landmark, Inc., Township Oil Company, June 10, 1982, HRZ–0062, 0063, 0064, HRD–0043, HRD–0045

Marathon Oil Company filed a Motion to Strike Statements of Objections filed by three aggrieved parties in a proceeding involving two Proposed Remedial Orders issued to Marathon. In their Statements of Objections, two of the aggrieved parties claimed that Marathon committed violations not addressed in the PROs. The DOE determined that those Statements of Objections should be stricken because that type of claim is not properly raised in a Statement of Objections, since it did not specifically contest and finding of fact or conclusion of law set forth in the PROs. The DOE also struck related Motions for Discovery filed by the two aggrieved parties. However, the DOE determined that a third party that was specifically named in one PRO as having been placed in an improper class of purchaser, should be permitted to raised additional facts in support of the allegations regarding the class of purchaser issued in that PRO. The DOE also determined that this party should be permitted to contest the PRO's findings of fact regarding that issue.

Refund Application

Tenneco Oil Company/System Fuels, Inc., June 10, 1982, HFX–0030

System Fuels, Inc. (SFI) filed an Application for Refund in which the firm sought a portion of the funds obtained by the DOE through a consent order entered with Tenneco Oil Company. Tenneco agreed to make the funds available to compensate for alleged violations of the DOE price regulations. The DOE found that SFI sold fuel oil purchased from Tenneco during the period covered by the consent order to four regulated electric utility companies, which then passed on the alleged overcharges to ultimate consumers through state regulated fuel adjustment clauses. The DOE determined that SFI had established in its Application that the utility companies would similarly pass on any refunds it receives to ultimate consumers, as credit against their monthly fuel adjustment clause charges. Accordingly, the SFI request for refund was granted.

Copies of the full text of these decisions and orders are available in the public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th & Penn. Ave., N.W. Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 16, 1982.

[FR Doc. 82–20046 Filed 7–22–82; 8:45 am]

BILLING CODE 6450–01–M

Objection To Proposed Remedial Orders Filed Period of May 3 Through May 21, 1982

During the period of May 3 through May 21, 1982, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 16, 1982.

Bob's Chevron Service, Santa Cruz, California, HRO–0053

On May 20, 1982, Bob's Chevron Service, 805 Ocean Street, Santa Cruz, CA 95060, filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on April 14, 1982.

In the PRO the ERA found that during August 1, 1979 to January 31, 1980, Bob's Chevron Service charged prices in retail sales of motor gasoline in excess of those permitted by 10 CFR 212.93.

According to the PRO the Bob's Chevron Service violation resulted in $17,161.23 of overcharges.

Cabrillo Arco, Soquel, California, HRO–0052

On May 20, 1982, Cabrillo Arco, 5955 Soquel Drive, Soquel, CA 95073, filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on April 15, 1982.

In the PRO the ERA found that during August 1, 1979 to November 30, 1979, Cabrillo Arco charged prices in retail sales of motor gasoline which were in excess of those allowed by 10 CFR 212.93.

According to the PRO the Cabrillo Arco violation resulted in $2,471.59 of overcharges.

Cascade Chevron, Hayward, California, HRO–0055

On May 20, 1982, Cascade Chevron, 1490 W. Winton Ave., Hayward, CA 94544, filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on April 15, 1982.

In the PRO the ERA found that during October 1, 1980 to October 3, 1980, Cascade Chevron charged prices in retail sales of motor gasoline that were in excess of those permitted by 10 CFR 212.93.

According to the PRO the Cascade Chevron violation resulted in $1,535.53 of overcharges.

Clean Machine Inc., Fairfield, California, HRO–0048

On May 20, 1982, Clean Machine Inc., 1300 Travis Blvd., Fairfield, CA 94533, filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on April 15, 1982.

In the POR the ERA found that during August 1, 1979 to January 31, 1980, Clean Machine charged prices in sales of motor gasoline that were in excess of those allowed by 10 CFR 212.32.

According to the PRO the Clean Machine violation resulted in $7,812.63 of overcharges.

Clean Machine Inc., San Jose, California, HRO–0049

On May 20, 1982, Clean Machine, Inc., 2701 Story Road, San Jose, CA 95127, filed a Notice of Objection to a Proposed Remedial Order which the DOE issued to the firm on April 15, 1982.

In the PRO the ERA found that during August 1, 1979 to January 31, 1980, Clean Machine charged prices in retail sales of motor gasoline in excess of those permitted by 10 CFR 212.93.

According to the PRO the Clean Machine violation resulted in $16,897.13 of overcharges.

Carwash Service, San Lorenzo, California, HRO–0050

On May 20, 1982, Carwash Service, 15526 Hesparian Blvd., San Lorenzo, CA 94580, filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on April 15, 1982.

In the PRO the ERA found that during August 1, 1979 to January 31, 1980, Carwash Service charged prices in sales of motor gasoline which were in excess of those permitted by 10 CFR 212.93.

According to the PRO the Carwash Service violation resulted in $21,393.68 of overcharges.

Robert J. Heald Shell, San Rafael, California, HRO–0054

On May 20, 1982, Robert J. Heald Shell, 110 Belvedere, San Rafael, CA 94901, filed a Notice of Objection to a Proposed Remedial Order which the DOE issued to the firm on April 15, 1982.

In the PRO the ERA found that during July 1, 1980 to November 30, 1980, Robert J. Heald Shell charged prices in retail sales of motor gasoline which were in excess of those allowed by 10 CFR 212.93.

According to the PRO the Robert J. Heald Shell violation resulted in $3,902.08 of overcharges.

Roy's Civic Center Mobil, San Jose, California, HR-0057

On May 20, 1982, Roy's Civic Center Mobil, 1271 N. First Street, San Jose, CA 95112, filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on April 15, 1982.

In the PRO the ERA found that during May 1, 1980 to September 30, 1980, Roy's Civic Center Mobil charged prices in retail sales of motor gasoline in excess of those permitted by 10 CFR 212.93.

According to the PRO the Roy's Civic Center Mobil violation resulted in $1,381.14 of overcharges.

St. Francis Texaco, Santa Rosa, California, HRO-0056

On May 20, 1982, St. Francis Texaco, 164 Calistoga Road, Santa Rosa, CA 95405, filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on April 15, 1982.

In the PRO the ERA found that during April 1, 1980 to September 30, 1980, St. Francis Texaco charged prices in retail sales of motor gasoline that were in excess of those permitted by 10 CFR 212.93.

According to the PRO the St. Francis Texaco violation resulted in $6,514.20 of overcharges.

Walt Freeman Chevron, Sacramento, California, HRO-0051

On May 20, 1982, Walt Freeman Chevron, 8099 Folsom Blvd., Sacramento, CA, filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on April 15, 1982.

In the PRO the ERA found that during May 1, 1980 to September 30, 1980, Walt Freeman Chevron charged prices in retail sales of motor gasoline that were in excess of those allowed by 10 CFR 212.93.

According to the PRO the Walt Freeman Chevron violation resulted in $10,912.51 of overcharges.

[FR Doc. 82-20045 Filed 7-22-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Week of June 21 Through June 25, 1982

During the week of June 21 through June 25, 1982, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (1) CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact of law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 16, 1982.

Camden Fuel Oil Co., Kingsland, Georgia HEE-0021, No. 2 Fuel Oil

Camden Fuel Oil Company filed an Application for Exception from the provisions of the Energy Information Administration (EIA) reporting requirements. The exception request, if granted, would permit the firm to be relieved of the requirement to complete and file Form EIA-9A, "No. 2 Distillate Price Monitoring Report." On June 24, 1982, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 82-20047 Filed 7-22-82; 8:45 am]

BILLING CODE 6450-01-M

Objection To Proposed Remedial Order Filed Week of June 21 Through June 25, 1982

During the week of June 21 through June 25, 1982, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to paticipate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 16, 1982.

J.D. Streett Company, Inc., Maryland Heights, Missouri, HRO-0063, Motor Gasoline

On June 24, 1982, J.D. Streett Co., Inc., 144 Walden Parkway, Maryland Heights, Missouri 63043, filed a Notice of Objection to a Proposed Remedial Order which the DOE's Kansas City District Office of Enforcement issued to the firm on May 21, 1982. In the PRO the Kansas City District found that during the period January 1, 1970 to November 30, 1979, the J.D. Streett Co. charged amounts exceeding the maximum lawful price in sales of motor gasoline. According to the PRO the alleged violations resulted in overcharges of $2,948,350.46.

[FR Doc. 82-20048 Filed 7-22-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Week of June 28 Through July 2, 1982

During the Week of June 28 through July 2, 1982, the proposed decision and order sumarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the proposed decision and order in final form. An

aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 16, 1982.

Premier Oil Company, Wilmington, Delaware HEE-0016, Petroleum

Premier Oil Company (Premier) filed an Application for Exception from the provisions of the EIA Filing Requirements. The exception request, if granted, would permit Premier to be relieved of the obligation to file Form EIA-9A. On June 20, 1982, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 82-20049 Filed 7-22-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of July 6 Through July 9, 1982

During the week of July 6 through July 9, 1982, the two proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (1 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in a final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

With respect to the Proposed Refund Decision any person who wished to file comments should submit comments to the Office of Hearings and Appeals within 30 days of receipt of the proposed decision or the date of publication of this list, whichever is earlier.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 16, 1982.

Urbana Community School, Urbana, Iowa, HEE-0009, Institutional Building Grant Program

Urbana Community School filed an Application for Exception from the provisions of 10 CFR Part 455. The exception request, if granted, would permit Urbana Community School to receive funding based on credit for energy conservation measures implemented prior to a technical assistance program, and for its technical assistance program even though it failed to apply properly for the technical assistance credit. On July 9, 1982, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted with respect to the technical assistance credit and denied with respect to the energy conservation measure credit.

Palo Pinto/Gulf Oil Corporation, Houston, Texas, RF5-1

Palo Pinto/Controller of the State of California, Washington, D.C. RF5-2

Gulf Oil Corporation (Gulf) filed an Application for Refund pursuant to the provisions of 10 CFR, Part 205, Subpart V. In its Application, Gulf requested 94.4% of the $529,000 collected through a Consent Order entered into by the Department of Energy (DOE) with Palo Pinto Oil & Gas (Palo Pinto). Gulf's claim was based on the fact that Warren Petroleum Company, a Gulf subsidiary, purchased 94.4% of the volumes of natural gas liquid products (NGLPs) involved in the Palo Pinto Consent Order. Gulf claimed that it was injured by the full amount of the overcharges allocated to its purchases. Specifically, Gulf asserted that its banks of unrecovered costs indicated that its prices for NGLPs were based on its perception of the market. Thus, Gulf asserted that lower selling prices by Palo Pinto would not have reduced the prices Gulf charged for its NGLPs. Accordingly, Gulf's profit would have increased by any reduction in selling prices by Palo Pinto.

On July 6, 1982, the Department of Energy issued a Proposed Decision and Order in which it determined that Gulf was entitled to receive a refund of $199,750. This sum represents 40% of the funds attributable to sales by Palo Pinto to Gulf ($199,750=40%×94.4%×$529,000). In considering Gulf's claim that it was injured by the overcharges, the DOE found that the existence of sizeable cost banks was only a threshold showing of injury by a direct purchaser/refiner such as Gulf. The DOE also found that market data provided by Gulf did not conclusively demonstrate that Gulf did not pass through any of the alleged overcharges to its customers. The DOE determined that, for purchases of natural gas liquids, a meaningful indication of the extent of injury suffered by a direct purchaser/refiner, was whether the firm was charged prices which exceeded prevailing market prices. In such a circumstance, the DOE concluded that the refiner suffered a competitive disadvantage with respect to the purchases involved. Similarly, the DOE determined that a refiner purchasing products at below-market prices enjoyed a competitive advantage with respect to such purchases. Accordingly, to determine the magnitude of injury experienced by Gulf, the DOE calculated the extent to which Palo Pinto prices to Gulf for NGLPs exceeded the prevailing industry prices. On the basis of its calculations, the DOE determined that 40% of the value of the alleged overcharges attributable to purchases by Gulf from Palo Pinto constituted a reasonable and fair approximation of the extent of injury incurred by Gulf.

The Controller of the State of California (State of California) also filed an Application for Refund in this proceeding. In its refund request, the State of California claims a portion of the Palo Pinto Consent Order funds on behalf of end-users of Palo Pinto NGLPs within its jurisdiction. In considering the request, the DOE determined that the State of California was eligible to receive refund monies upon implementation of second stage refund procedures which will be utilized to distribute the remaining Palo Pinto Consent Order funds.

[FR Doc. 82-20050 Filed 7-22-82; 8:45 am]

BILLING CODE 6450-01-M

Procurement and Assistance Management Directorate

AGENCY: Department of Energy.

ACTION: Notice of suspension and proposed debarment.

SUMMARY: This notice announces that the Department of Energy (DOE) has suspended Daniel P. Ahearne, President, Total Energy Applications Management, Inc., and all organizations with which he is or may become affiliated from participating in any new contract with

DOE or with any DOE contractor. In addition, Mr. Ahearne has been advised that DOE proposes to debar him and all such affiliated organizations for a period of three years beginning on August 30, 1982.

DATE: The suspension became effective on July 9, 1982, and shall last until the proposed debarment becomes effective or for 12 months, whichever occurs earlier.

FOR FURTHER INFORMATION CONTACT: Norman Vinson, Procurement and Assistance Management Directorate, Room II–018, Forrestal Building, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, telephone 202/252–1150.

SUPPLEMENTARY INFORMATION: The suspension and proposed debarment actions are being taken in accordance with the procedures set forth in the Federal Procurement Regulations (FPR), 41 CFR Subpart 1–1.6 and in the DOE Procurement Regulations (DOE–PR), 41 CFR Subpart 9–1.6. In addition to Daniel P. Ahearne, the known affiliated organizations affected by the suspension and proposed debarment actions are Total Energy Applications Management, Inc. (TEAM); Renewable Resources Institute, Inc.; and Zetcon International, Inc. Each is a Virginia corporation with the same mailing address; 5105 Backlick Road, Annandale, Virginia 22003.

During the period of suspension and subsequent debarment, DOE will neither accept nor consider a bid or proposal submitted by Mr. Ahearne or by any organization with which he is affiliated. In addition, DOE will not approve any new contract between him or any such affiliated organization and a DOE contractor.

This suspension and proposed debarment are based on the conduct of Mr. Ahearne and TEAM as project manager for Northwest Mississippi Junior College (NMJC) under DOE Grant No. DE–FG05–79CS30472 during the period 1977 through 1981. This $7.7 million grant was awarded to NMJC for construction and operation of a total energy system at the school's main campus in Senatobia, Mississippi. Under the terms of the DOE grant, the energy system was supposed to include the following components:

- A woodchip burning biomass conversion unit to provide steam heat through a thermal loop to certain buildings on campus;
- A 200 kilowatt photovoltaic array (solar field) to provide electricity to the school;
- A solar pond and power conditioning unit; and
- A solar collector to provide heat to an agricultural facility.

Mr. Ahearne's consulting firm, TEAM, Inc., was hired by the school under a separate contract to manage the solar energy project. Although the entire $7.7 million in DOE grant funds have been spent, TEAM failed to complete any of the components of the NMJC total energy system.

The Department has determined that Mr. Ahearne and TEAM violated numerous requirements applicable to the expenditure of Federal funds. This determination is based on three audits conducted by the Office of Program Evaluation, Oak Ridge Office. The major findings of these audits include the following:

1. TEAM's accounting system did not ensure that costs were adequately controlled, properly recorded and/or correctly classified between Government and other work.

2. From January 9, 1979 through March 24, 1980, TEAM received $4.6 million in cash advances from the college in contravention of the NMJC/TEAM contract.

3. TEAM did not remit to the grantee the interest income earned on advance payments of Federal funds.

4. Inaccurate and altered TEAM employee time sheets were used to support vouchers.

5. TEAM charged the cost of consultants working on commercial/private ventures to Government-funded projects while failing to provide evidence of the services rendered (no reports, invoices, or correspondence).

6. TEAM failed to maintain an accurate inventory of project property.

Mr. Ahearne has been advised that he has the right to submit, by no later than August 9, 1982, a written request for a hearing and a reply to the notice of proposed debarment.

As required under DOE–PR 9–1.602, Mr. Ahearne and the above-named affiliated organizations have been placed on the DOE Consolidated List of Debarred, Ineligible, and Suspended Contractors which is distributed periodically to DOE Contracting Officers. DOE has also notified the General Services Administration (GSA) of this suspension action.

When the proposed debarment becomes effective, GSA shall be notified in accordance with Policy Letter No. 82–1 issued by the Office of Federal Procurement Policy on June 24, 1982 (47 FR 28854 (July 1, 1982)).

Issued in Washington, D.C., on July 9, 1982.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

[FR Doc. 82–20036 Filed 7–22–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–51423; TSH–FRL 2174–5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of six PMNs and provides a summary of each.

DATES:

Close of Review Period: PMN 82–488, 82–489, 82–490 and 82–491—October 10, 1982. PMN 82–492 and 82–493—October 11, 1982.

Written comments by: PMN 82–488, 82–489, 82–490 and 82–491—September 10, 1982. PMN 82–492 and 82–493—September 11, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51423]" 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. 216, 401 M St., SW., Washington, DC 20460, (202–382–3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential documents is available in the public reading room E–107.

PMN 82-488

Manufacturer. Rhone-Poulenc Inc.
Chemical. (S) Adduct of oleic acid and cerium (IV) oxide.
Use/Production. (S) Catalyst. Prod. range: 0-200,000 lbs/yr.
Toxicity Data. No data submitted.
Exposure. 3 workers, 2 hrs/da, 25 da/yr.
Environmental Release/disposal. Negligible. Disposal by recycle or recovery.

PMN 82-489

Manufacturer. The Southland Corporation.
Chemical. (G) Sulfurized di-carboxylic poly-glycol ester.
Use/Production. (S) Industrial additive for water based lubricants. Prod. range: 5,000-2,400,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 4 workers, up to 2 hrs/da, up to 200 da/yr.
Environmental Release/Disposal. 100-1,000 kg/yr released to air 5 hrs/da, 200 da/yr. Disposal by publicly owned treatment works (POTW).

PMN 82-490

Manufacturer. Confidential.
Chemical. (G) Amine modified epoxy resin.
Use/Production. (G) Contained use. Prod. range: Confidential.
Toxicity Data. No data submitted
Exposure. Manufacture and processing: possible dermal.
Environmental Release/Disposal. No release to water and land with minimal to air. Disposal by landfill.

PMN 82-491

Manufacturer. E. I. DuPont de Nemours and Company, Inc.
Chemical. (G) Polyester polymer.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, 2 workers, 2 shifts/da, 12 hrs/shift, 37 da/yr.
Environmental Release/Disposal. Minimal release. Disposal by approved methods.

PMN 82-492

Manufacturer. Confidential.
Chemical. (G) Substituted dithioic acid salt.
Use/Production. (G) Site-limited intermediate. Prod. range: 75-150 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and use: minimal dermal and inhalation, a total of 5 workers, up to 2 hrs/da, up to 5 da/yr.
Environmental Release/Disposal. No release. Disposal by incineration.

PMN 82-493

Manufacturer. Confidential.
Chemical. (G) Tetrasubstituted benzisoxazole.
Use/Production. (G) Minor constituent of an article for commercial and consumer use. Prod. range: 300-700 kg/yr.
Toxicity Data. Acute oral: > 3,000 mg/kg; Acute dermal: > 1,000 mg/kg; Skin irritation: Slight; Eye irritation: Non-irritant; Skin sensitization: Low.
Exposure. Manufacture and processing: minimal dermal and inhalation, a total of 15 workers, up to 2 hrs/da, up to 10 da/yr.
Environmental Release/Disposal. No release. Disposal by biological treatment system and incineration.

Dated: July 16, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-19749 Filed 7-22-82; 8:45 am]
BILLING CODE 6560-50-M

[ER-FRL-2175-5]

Availability of Enviromental Impact Statements Filed July 12, Through July 16, 1982 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities; general information 382-5075 or 382-5076.

Corps of Engineers:
- EIS No. 820477, Draft, COE, IL, Hickory and Spring Creeks Flood Control Plan, Permit, Will County, Due: Sept. 6, 1982
- EIS No. 820478, Draft, COE, SEV, MA RI Fall River Harbor Navigational Improvements, Mount Hope Bay, Due: Sept. 6, 1982
- EIS No. 820484, Draft, COE, SEV, MO IL St. Louis Harbor Improvements, Mississippi River, Due: Sept. 6, 1982
- EIS No. 820470, Final, COE, MO, Maline Creek Water Resources Study, Flood Control, St. Louis County, Due: Aug. 23, 1982
- EIS No. 820451, Final, COE, SEV, ATL VA Norfolk Disposal Site, Designation, Due: Aug. 23, 1982
- EIS No. 820474, FSuppl, COE, NB, West Branch Papillion Creek Flood Control, Damsite 18 Construction, Due: Aug. 23, 1982

Department of Commerce:
- EIS No. 820479, Final DEA, TN, Hamilton County Industrial Park/River Port Construction, Grant, Due: Aug 23, 1982

Department of Interior:
- EIS No. 820482, DSuppl, BLM, CO, Prototype Oil Shale Leasing, Piceance Basin, Rio Blanco County, Due: Sept. 6, 1982
- EIS No. 820481, Final, IBR, AZ, Tucson Aqueduct Construction/Operation, Colorado R. Pinal & Pima Cos., Due: Aug. 23, 1982

Department of Transportation:
- EIS No. 820473, Final, FAA, GA Hartsfield-Atlanta Airport, Runway 9L Departure Change, Clayton Co., Due: Aug. 23, 1982
- EIS No. 820476, Final, FHW, GA, Pio Nono Avenue, US 41/GA-247 Widening, Macon, Bibb County, Due: Aug. 23, 1982
- EIS No. 820475, Final, FHW, MD, I-195 Construction, Baltimore-Washington Int'l Airport to I-95/US 1, Due: Aug. 23, 1982
- EIS No. 820471, Draft, CGD, FL, Rickenbacker Causeway/Bridge Improvements, Permit, Dade County, Due: Sept. 6, 1982

Federal Energy Regulatory Commission:
- EIS No. 820480, Final, FRC, AZ, Red Lake Salt Cavern Gas Storage Project, Certificate, Mohave County, Due: Aug. 23, 1982

Department of Housing and Urban Development:
- EIS No. 820483, Draft, HUD, UT, Utah Housing Areawide Study, Weber, Davis, Utah and Salt Lake Cos., Due: Sept. 6, 1982

State Department:
- EIS No. 820469, Final, STA, ANT, Antarctic Mineral Resources, International Regime, Due: Aug. 23, 1982

Department of Agriculture:
- EIS No. 820472, Final AFS, AK, Quartz Hill, Road Access and Bulk Sampling, Permit, Tongass NF Due: Aug. 23, 1982
- EIS No. 820468, Final, SCS, SEV, MD DE Upper Chester River Watershed Flood Protection Plan Due: Aug. 23, 1982

Amended Notices:
- EIS No. 820355, Draft, FHW, WI, US 53 Upgrading, Rice Lake to Trego, Barron and Washburn Counties *Published FR 06/11/82—Review extended, Due: Aug. 27, 1982

Dated: July 20, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-19975 Filed 7-22-82; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It

July 19, 1982.

Task Group A-2 of Working Group A: Facilities and Technology

Chairman:
Jeffrey Binckes (202) 863-6864

Date:
Tuesday, August 10, 1982

Time:
9:30 a.m.—2:00 p.m.

Location:
Southern Pacific Satellite Company,

1700 Old Meadow Road, McLean, Virginia 22102; Tel: (703) 734–2388

Agenda:

(1) Approval of Minutes
(2) Report of Ad Hoc Groups
(3) Future Efforts of Ad Hoc Groups
(4) Briefing on Program in Committees A1 and A3
(5) New Business
(6) Next Meeting

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–20020 Filed 7–22–82; 8:45 am]

BILLING CODE 6712–01–M

[BC Docket No. 82–378, File No. BPCT–811208KG, etc.]

Minority Broadcasters of East St. Louis, Inc., et al.; Applications

In re applications of Minority Broadcasters of East St. Louis, Inc., East St. Louis, Illinois (BC Docket No. 82–378, File No. BPCT–811208KG), East St. Louis, 46 Broadcasters, Inc., East St. Louis, Illinois (BC Docket No. 82–379, File No. BPCT–820127KI), Spectrum Telecommunications Corporation, East St. Louis, Illinois (BC Docket No. 82–380, File No. BPCT–820127KJ), and Mahogany Entertainment Television, Inc., East St. Louis, Illinois (BC Docket No. 82–381, File No. BPCT–820127KL) for a television construction permit; Hearing Designation order designating applications for consolidated hearing on stated issues.

Adopted: July 7, 1982.

Released: July 15, 1982.

1. The Commission by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it: (a) the above-captioned mutually exclusive applications of Minority Broadcasters of East St. Louis, Inc. (Minority), East St. Louis 46 Broadcasters, Inc. (ESL–46), Spectrum Telecommunications Corporation (Spectrum), and Mahogany Entertainment Television, Inc. (Mahogany) for a new commercial television station to operate on Channel 46 in East St. Louis, Illinois; (b) a petition to dismiss filed by Spectrum against Mahogany; [1] and (c) related pleadings.

2. Applicants for new broadcast stations are required to give local notice of the filing of their applications, in accordance with § 73.3580 of the Commission's Rules. They must then file proof of publication of such notice or certify that they have or will comply with the public notice requirement; however, we have no evidence that ESL–46, Spectrum, and Mahogany have done either. If they have not already done so, ESL–46, Spectrum, and Mahogany will be required to publish local notice of the filing of their applications and to file a statement of publication with the presiding Administrative Law Judge within 30 days of the mailing of this Order.

Spectrum Telecommunications Corporation

3. Myrtle Officer, the Treasurer, Director, and 7.735% stockholder of Spectrum, and Marion Officer, 15.015% stockholder, jointly own 15.45 shares (approximately 0.8%) of WESL, Inc., licensee of WESL–AM, East St. Louis. Further, Spectrum states that Myrtle Officer is also a Director of WESL, Inc.[2] Section 73.636(a) of the Commission's Rules sets out a policy against granting a television construction permit to parties who directly or indirectly own, operate, or control radio stations licensed to the same community as their proposed television station. Marion and Myrtle Officer state that they will divest themselves of the shares in WESL, Inc. within a reasonable time, after a grant of the application for a construction permit to Spectrum. No mention is made of terminating the Directorship in WESL, Inc.; however, Marion and Myrtle Officer must demonstrate a termination of both stock and the Directorship before Spectrum commences operation.

Mahogany Entertainment Television, Inc.

4. Mahogany estimates that $584,367 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	[1]311,400
Studio lease (5 months)	16,667
Land lease (5 months)	5,000
Legal and engineering costs	32,500
Operating costs (3 months)	218,800
Total	$584,367

[1] Although Mahogany proposes to lease its equipment from Amvest Leasing and Capital Corporation, no lease agreement has been submitted. Consequently, Mahogany will be charged with the total cost of the equipmemt.

Mahogany provides no means by which it intends to meet these expanses, nor does it certify the availability of any sources of funds. A financial issue could, therefore, be specified. Nonetheless, we are in a period of transition and are faced with some applicants filing under the old requirements competing with those filed under the revised form, or who amend their applications to submit a financial certification. In the interest of fairness, all competing applicants ought to be held to the same standard. Further, the purpose of permitting financial certification was to expedite processing. *Revision of Form 301,* 50 R.R. 2d 381, 382 (1981). The Commission there noted that the benefits flowing from expedited processing outweighed any detriment that might flow from the certification process. After adoption of the revised form, we have specified financial issues against applicants that did not make the requisite showing and that did not amend their applications to indicate that they could subsequently certify to their financial qualifications. Upon reflection, we believe this practice is unfair and is inconsistent with the Commission's expressed interest in expediting processing and, ultimately, in expediting service to the public. We shall, therefore, permit the applicant to review its financial plan, to make any revisions it deems required and, if it can, to submit a certification in the manner called for in the revised Form 301 to the Administrative Law Judge within 30 days of the mailing of this order. If the applicant cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. We shall follow this practice in all future cases where the problem arises.

5. Mahogany proposes to mount its antenna 630 feet above ground atop the existing tower of KSLQ–FM. Section 1.1305(a)(2) of the Rules considers a tower in excess of 300 feet in height to be a major action within the meaning of the National Environmental Policy Act, and § 1.1311 requires the submission of an environmental narrative statement from applicants proposing such major actions. Mahogany argues that it is exempt from this requirement, since the tower is an existing structure; however, the applicant proposes an increase of 50 feet above ground. Consequently, Mahogany will be required to submit an environmental narrative statement within 30 days of the mailing of this Order.

6. Since we have not received a determination from the Federal Aviation Administration that Mahogany's proposed increased tower height and location would not constitute a hazard to air navigation, an issue regarding this matter is required.

7. Mahogany proposes electrical or mechanical beam tilt but has not provided horizontal and vertical radiation patterns, as required by

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[1] Spectrum's petition is, in essence, a pre-designation petition to specify issues. Since such petitions are no longer permitted, it will be dismissed. *Processing of Contested Broadcasting Applications,* 72 FCC 2d 202 (1979).

[2] WESL, Inc.'s most recent ownership report lists Marion Officer, not Myrtle Officer, as Director.

Question 7(b) of Section V–C of FCC Form 301. Consequently, Mahogany will be required to submit appropriate patterns within 30 days of the mailing of this Order.

Conclusion and Order

8. Except as indicated by the issues specified below, the applicants are qualified to operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

9. Accordingly, it is ordered, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Mahogany Entertainment Television, Inc. would constitute a hazard to air navigation and, if so, whether the applicant is qualified.

2. To determine which of the proposals would, on a comparative basis, 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.

10. It is further ordered, that the Federal Aviation Administration is made a party respondent in respect to Issue 1 above.

11. It is further ordered, that within 30 days of the mailing of this Order, ESL–46, Spectrum, and Mahogany shall, if they have not already done so, publish local notice of the filing of their applications and file a statement of publication with the presiding Administrative Law Judge.

12. It is further ordered, that within 30 days of the mailing of this Order, Mahogany shall: (a) certify, if it can, to the presiding Administrative Law Judge in the manner described in paragraph 4, above, (b) submit an environmental narrative statement as a supplement to its application, and (c) submit the required horizontal and vertical radiation patterns.

13. It is further ordered, that in the event of a grant of Spectrum's application, the construction permit shall contain the following condition: Prior to the commencement of operation Marion and Myrtle Officer shall certify to the Commission that they have severed all interest in or connection with WESL, Inc.

14. It is further ordered, that the petition to dismiss filed by Spectrum against Mahogany is dismissed.

15. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

16. It is further ordered, that the applicant's herein shall, pursuant to section 311(a)(2) of the Communications Act 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. 82–20019 Filed 7–22–82; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 17049; Gen. Docket No. 82–334]

Inquiry Issued on Establishment of Spectrum Utilization Policy for Fixed and Mobile Services' Use of Certain Bands Between 17.7 and 40 GHz

The Commission has issued a notice of inquiry looking towards establishment of a spectrum utilization policy for the fixed and mobile services' use of certain bands between 17.7 and 40 GHz (18, 22, 28, 31 and 38 GHz bands).

The Commission said it intended to examine spectrum allocations and technical standards with a view towards determining whether existing regulations are appropriate for current and future uses, taking advantage of the particular propagation characteristics of this region of the radio spectrum, the availability of newer technology, and the fact that the spectrum is relatively undeveloped in order to develop a utilization plan which will provide both technically and economically efficient use of the spectrum.

Having already identified several non-government requirements as a result of rulemaking petitions and other FCC actions, the Commission said it would like additional information on other possible fixed and mobile uses of the particular bands between 17.7 and 40 GHz. Comments should describe as fully as possible foreseen radio-communication applications, including functional characteristics such as methods of operation, areas/populations to be served, type of information to be transferred, number of stations, time frame for implementation, as well as anticipated technical characteristics such as emission types, channel bandwidth, power levels, communication path lengths, performance and interference criteria etc.

To conserve spectrum, comments are solicited on the possible use of other, non-radio technologies to provide the envisioned radiocommunication services; the trade-offs between use of the radio spectrum and technologies such as coaxial cable, fiber optices, laser links, etc.; and whether there is some capacity/bandwidth or circuit configuration where it becomes more beneficial to use other communications technologies.

Noting that technical standards would not necessarily have to be identical for all fixed and mobile operations within a band and could vary between the five bands, the Commission said its desire is to promote flexibility and encourage innovation, while providing for a proper level of spectrum conservation in keeping with its economic value and for adequate interference control without excessive costs.

Therefore, the Commission asked for comments on whether the policy of specifying explicit technical standards should continue and if some parameters could be eliminated or others added. It also asked for comments on the appropriate values, limits, etc., which should be established for such parameters in each of the five bands or any subband therein, taking into account foreseen uses of the spectrum and international standards described in an appendix. Where the value of a particular parameter is sensitive to some other factor, e.g., cost, that fact should be indicated and discussed.

The Commission's basic purpose in setting explicit standards on system parameters is to control interference and effect a proper level of spectrum conservation. But it may be feasible to accomplish this by directly regulating a system's output signal rather than by specifying its design, or input, parameters. Thoughtful analysis and comments are requested on the pros and cons of such regulatory approaches.

The Commission also would like specific comments on provisions for analog and digital systems in the fixed and mobile services—whether one type of emission could be expected to become predominant; whether they can coexit within the same block of spectrum, or whether it is more efficient to allocate specific bands to each type of system. If these two kinds of systems are to share a common block of spectrum, the FCC asked for comments on problems that might arise in controlling interference between users and how these two types of systems would affect interservice sharing criteria, e.g., such as with the fixed-satellite service.

Pointing out that one planning technique is to channelize the spectrum according to the amounts of spectrum required to support various levels of baseband capacity and to provide specific portions of spectrum for various capacities, the Commission asked whether it would be desirable to provide channelling plans and specific allocations according to system capacities. If so, it asked for comments on the capacity levels for each, and the appropriate channel bandwidths for the various capacities. Comments should include suggestions for other possible means for considering system capacities in developing spectrum utilization plans.

Turning to system configuration, the Commission asked how these configurations should be taken into account in a utilization plan and whether specific frequencies should be designated for particular configurations or if they can be accommodated by channelling arrangements and technical criteria. It also requested comments on what standards should be adopted for the appropriate approach and whether some frequencies should be reserved exclusively for mobile operations.

Noting that experience at 12 GHz has pointed out the difficulties of sharing between the broadcasting-satellite service and thefixed service in that band, the Commission asked how the 22 GHz could band best be utilized by the fixed and mobile services, while providing for broadcasting-satellite operations at 22.5–23.0 GHz like those proposed and discussed at 12 GHz. Similar consideration should be given to other interservice sharing, especially to that of the fixed and mobile services with the fixed-satellite service at 17.7–17.8 GHz, 27.5–29.5 GHz and 38.6–40.0 GHz, with the meterological-satellite service at 18.1–18.3 GHz and with the earth exploration-satellite service at 18.6–18.8 GHz.

Because fixed and mobile service licenses are normally divided into common carrier, private, broadcast and cable categories, the Commission asked for comments on what approach should be adopted for these five bands of interest. If it adopts a system of priorities in allocating spectrum in these bands, e.g., should common carriers have priority based on their Title II obligations to the public, it asked whether private and common carrier, or private and broadcast, or broadcast and common carrier, or all users of fixed and mobile services can share the same bands. It also questioned whether performance and/or interference requirements of common carrier services are different from those of non-common carrier services.

Noting there are some technically related applications which occur in the fixed services, such as video program distribution in the broadcast relay and remote pick-up services, the common carrier relay and remote pick-up services and the cable TV relay service, the Commission asked if spectrum should be allocated in blocks for such technically related purposes in order to realized its most efficient use. It also asked whether there are other technically similar applications for which block allocations may be appropriate.

To minimize interference to existing radiocommunications facilities, the Commission asked for comments on appropriate coordination and licensing procedures for these bands of interests. Comments should address the needs for coordination and licensing in the bands and describe administrative procedures which appear feasible, with special attention being given to possible sharing situations involving other non-government and government radio services and the need for coordination with Canada and Mexico along their respective borders. It also questioned whether some frequencies should be reserved for devices not subject to coordination or individual licensing.

The Commission also would like comments on strategic approaches which may be taken toward the lower bands and if there are modifications to existing technical and regulatory standards which can be pursued profitably. Similarly comments are requested on strategic approaches which may be taken toward bands above 40 GHz where there now is almost no utilization and communications systems are largely in experimental and developmental stages.

Comment dates will be announced at a later time.

Action by the Commission June 23, 1982, by Notice of Inquiry (FCC 82–286). Commissioners Fowler, Quello, Washburn, Fogarty, Jones, Dawson and Rivera.

For more information contact Donald Campbell at (202) 653–8177.

Note.—Due to the continuing effort to minimize printing costs, the Notice of Inquiry will not be published herein. However, copies may be obtained from any of the distribution centers listed in the FCC Office of Public Affairs, Room 202, 1919 M St., N.W., Washington, D.C. 20554 (202) 254–7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–19260 Filed 7–15–82; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Company

The company listed in this notice 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 voting shares or assets of a 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).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. Interested persons may express their views in writing to the address indicated for the application. Any comment on the 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.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Busey Corporation,* Urbana, Illinois; to acquire 100 percent (less directors' qualifying shares) of the voting shares or assets of Roberts State Bank, Roberts, Illinois. Comments on this application must be received not later than August 15, 1982.

Board of Governors of the Federal Reserve System, July 16, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82–19899 Filed 7–22–82; 8:45 am]

BILLING CODE 6210–01–M

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have 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 voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. 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.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *First Bancorp of N.H., Inc.*, Manchester, New Hampshire; to acquire 100 percent of the voting shares of The Bedford Bank, Bedford, New Hampshire. Comments on this application must be received not later than August 18, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Trust Company of Georgia*, Atlanta, Georgia; to acquire 80 percent of the voting shares or assets of Southern Bancshares, Inc., Douglas, Georgia. Comments on this application must be received not later than August 18, 1982.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Southwest Kansas Banc Shares, Inc.*, Hutchinson, Kansas; to acquire 20 percent of the voting shares or assets of Valley Bancorp., Inc., Syracuse, Kansas, and its subsidiary, The Valley State Bank, Syracuse, Kansas. Comments on this application must be received not later than August 12, 1982.

2. *Arkansas Valley Banc Shares, Inc.*, Hutchinson, Kansas; to acquire 20 percent of the voting shares or assets of Valley Bancorp, Inc., Syracuse, Kansas, and its subsidiary, The Valley State Bank, Syracuse, Kansas. Comments on this application must be received not later than August 12, 1982.

3. *Sante Fe Trail Banc Shares, Inc.*, Hutchinson, Kansas; to acquire 20 percent of the voting shares or assets of Valley Bancorp, Inc., Syracuse, Kansas, and its subsidiary, The Valley State Bank, Syracuse, Kansas. Comments on this application must be received not later than August 12, 1982.

4. *Northwest Kansas Banc Shares, Inc.*, Hutchinson, Kansas; to acquire 20 percent or more of the voting shares or assets of Valley Bancorp, Inc., Syracuse, Kansas, and its subsidiary, The Valley State Bank, Syracuse, Kansas. Comments on this application must be received not later than August 12, 1982.

D. **Secretary, Board of Governors of the Federal Reserve System**, Washington, D.C. 20551:

1. *Mercantile Texas Corporation*, Dallas, Texas; to acquire 100 percent of the voting shares of The Ashford Bank, Houston, Texas. This application may be inspected at the Federal Reserve Bank of Dallas. Comments on this application must be received not later than August 18, 1982.

Board of Governors of the Federal Reserve System, July 19, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-19695 Filed 7-22-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (thrift and loan, consumer finance and credit-related insurance activities; California): To establish five *de novo* offices of its thrift and loan subsidiary, Citicorp Person-to-Person Thrift, Inc. It is proposed that the *de novo* offices engage in operating as thrift and loan association offices in the manner authorized by California law, and in the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed brokers, as required; the issuing of thrift certificates and thrift passbook certificates; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The service area for each of the offices would be comprised of the entire State of California. Credit related life, accident and health insurance may be written by family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Thrift, Inc. The *de novo* offices will engage in the aforementioned activities from locations in San Diego (2 offices), Chula Vista, Escondido, and El Cajon, California. Comments on this application must be received not later than August 18, 1982.

2. *Manufacturers Hanover Corporation*, New York, New York (expansion of service area; Virginia): To expand the service area of Manufacturers Hanover Mortgage Corporation, Newport News, Virginia ("MHMC"). MHMC engages in the activities of arranging, making, or acquiring for its own account or for the account of others loans and other extensions of credit such as would be made or acquired by a mortgage company; servicing such loans and other extensions of credit; and acting as agent

or broker for the sale of credit life insurance and credit accident had health insurance relating to such loans and other extensions of credit. MHMC proposes to expand its service area to include Norfolk, Virginia Beach, Portsmouth, Chesapeake, Mathews, Nansemond, Isle of Wight and Surry Counties. Comments on this application must be received not later than August 18, 1982.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Maryland National Corporation,* Baltimore, Maryland (mortgage and insurance activities; Maryland): To engage through its subsidiary, Maryland National Mortgage Corporation, in the business of a mortgage banker, mortgage broker and mortgage servicing firm; originating, buying, selling and otherwise dealing in mortgage loans as principal or agent; servicing mortgage loans for affiliated or nonaffiliated entities; acting as adviser in mortgage loans transactions; and engaging in the sale as agent of credit life, credit disability and credit accident and health insurance in connection with extensions of credit by bank and nonbank subsidiaries of the holding company. These activities would be conducted from an office in Lutherville, Maryland. The geographic area to be served by this office will be the greater Baltimore metropolitan area including the surrounding counties of Harford, Baltimore, Carroll, Howard and Anne Arundel. Comments on this application must be received not later than August 12, 1982.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Fidelity Corp.,* Carmel, Indiana (mortgage lending and loan servicing activities; Indiana, Ohio and Kentucky): To engage, through a *de novo* subsidiary, Fidelity Investment Mortgage Company, Inc., in mortgage lending and servicing activities, including making or acquiring, for its own account or for the account of others, mortgage loans and other extensions of credit and servicing mortgage loans and other extensions of credit. These activities would be conducted from offices in Carmel, Indiana, serving the States of Indiana, Ohio and Kentucky. Comments on this application must be received not later than August 17, 1982.

Board of Governors of the Federal Reserve System, July 19, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-19694 Filed 7-22-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have 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 bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. 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.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Beach One Financial Services, Inc.,* Vero Beach, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of The Beach Bank of Vero Beach, Vero Beach, Florida. Comments on this application must be received not later than August 15, 1982.

2. *Peoples Bancshares Inc.,* Clifton, Tennessee; to become a bank holding company by acquiring 80 percent of the voting shares of Peoples Bank of Clifton, Clifton, Tennessee. Comments on this application must be received not later than August 15, 1982.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *CS Bancorp,* Huntington, Indiana; to become a bank holding company by acquiring 80 percent or more of the voting shares of Community State Bank in Huntington, Huntington, Indiana. Comments on this application must be received not later than August 15, 1982.

2. *Illowa Bancorp, Inc.,* Savanna, Illinois; to become a bank holding company by acquiring 93 percent of the voting shares of The National Bank of Savanna, Savanna, Illinois. Comments on this application must be received not later than August 15, 1982.

Board of Governors of the Federal Reserve System, July 16, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-19900 Filed 7-22-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have 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 bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. 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.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *New Great Lakes Financial, Inc.,* Grand Rapids, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Union Bancorp Inc., Grand Rapids, Michigan. Comments on this application must be received not later than August 18, 1982.

2. *Royal Bancshares, Inc.,* Royal, Iowa; to become a bank holding company by acquiring 80 percent or more of the voting shares of Home State Bank, Royal, Iowa. Comments on this application must be received not later than August 18, 1982.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Bancorp of Kansas,* Wichita, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank in Wichita, Wichita, Kansas. Comments on this application must be received not later than August 18, 1982.

2. *Sunflower Bancshares, Inc.*, Riley, Kansas; to become a bank holding company by acquiring 88.6 percent of the voting shares of The Riley State Bank of Riley, Riley, Kansas. Comments on this application must be received not later than August 18, 1982.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Cal Coast Bancorp*, San Clemente, California; to become a bank holding company by acquiring 100 percent of the voting shares of Mariners Bank, N.A. (in organization), San Clemente, California. Comments on this application must be received not later than August 11, 1982.

Board of Governors of the Federal Reserve System, July 19, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-19898 Filed 7-22-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 82M-0212]

Sherman Laboratories, Inc.; Premarket Approval of Sof/Pro-Clean Contact Lens Cleaner

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces approval of the application for premarket approval under the Medical Device Amendments of 1976 of the SOF/PRO-CLEAN Contact Lens Cleaner sponsored by Sherman Laboratories, Inc., Abita Springs, LA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by August 23, 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 August 6, 1981, Sherman Laboratories, Inc., Abita Springs, LA submitted to FDA an application for premarket approval of the SOF/PRO/CLEAN Contact Lens Cleaner for daily use with all soft (hydrophilic) contact lenses and with the POLYCON®* (silafocon A) Contact Lens. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, and FDA advisory committee, which recommended approval of the application. On June 15, 1982, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), soft contact lens solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lens solution are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310), until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above), and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices, Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Sof/Pro-Clean Contact Lens Cleaner states that the solution is designed for daily use as a cleaning solution for use with all soft (hydrophilic) contact lenses and with the POLYCON®* (silafocon A) Contact Lens. Sponsors of any soft (hydrophilic) contact lenses and the POLYCON® (silafocon A) Contact Lens that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 23, 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: July 15, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-19804 Filed 7-22-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82M-0187]

Unilab, Inc.; Expiration of Time To Request Review of Denial of Premarket Approval of Kiel Surgibone

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the 30-day time period allowed Unilab, Inc., Hillside, NJ, to request administrative review of the denial by the Bureau of Medical Devices (the Bureau) of approval of the sponsor's premarket approval application for Kiel Surgibone has expired. The sponsor did not request administrative review and therefore elected not to avail itself of the opportunity for a hearing on the decision. Therefore, the denial of approval of the premarket approval application is the agency's final action in this proceeding.

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: By letter dated May 28, 1982, the Bureau informed Unilab, Inc., Hillside, NJ, of its denial of approval of the premarket approval application for Kiel Surgibone, a bovine heterograft intended for use in surgical procedures following the removal of a herniated cervical disc. The application was reviewed by the Orthopedic Device Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended that the application not be approved. The Bureau denied the application on the grounds that the device had not been shown to be safe and effective for use as recommended in the submitted labeling. The May 28, 1982 letter from the Bureau advised the sponsor that it had 30 days from the date of receipt of the letter in which to petition for administrative review of the denial of approval of the premarket approval application. Notice of the denial was published in the **Federal Register** of June 18, 1982 (47 FR 26458).

The sponsor did not request administrative review, as provided by the Bureau's letter. The failure to petition for such review constitutes an election by the sponsor not to avail itself of the opportunity for a hearing. Therefore, the denial of approval of the premarket approval application is the agency's final action in this proceeding.

Dated: July 15, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-19803 Filed 7-22-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 77N-0239]

Availability of Model Retail Food Store Sanitation Code

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of the 1982 Model Retail Food Store Sanitation Code. The model code was initiated by the Association of Food and Drug Officials (AFD) and has been jointly developed with FDA to provide industry and State and local governments with a uniform food protection code for the operation and regulation of retail food stores.

ADDRESSES: Copies of the model code are available from the Association of Food and Drug Officials, P.O. Box 3425, York, PA 17402. See Supplementary Information for prices. Requests for copies should be identified with "Retail Food Store Sanitation Code—1982." A copy of the model code is available for viewing at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Arthur L. Banks, Bureau of Foods HFF-342, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-245-1508.

SUPPLEMENTARY INFORMATION: In August 1974, the Executive Board of the Association of Food and Drug Officials petitioned FDA "to publish in the **Federal Register** and adopt as soon as possible a Retail Food Market Document." A proposed Retail food market sanitation standard which had been developed by AFDO's Food Service and retail Food Handling Committee was provided to FDA as part of the petition. FDA agreed to continue development of the document provided by AFDO and to promote its adoption after it is completed.

FDA initially announced that availability for comment of a proposed Model Retail Food Store Ordinance in a notice published in the **Federal Register** of October 25, 1977 (42 FR 56367). The comment period was extended to 120 days and closed February 24, 1978.

Significant changes were made in this ordinance as a result of the comments received. Consequently, FDA decided that interested persons should be allowed to comment on the revised ordinance. A notice announcing its availability for comment was published in the **Federal Register** of November 3, 1978 (42 FR 51450). The comment period for the revised document closed on January 31, 1979.

Additional changes were made to accommodate meritorious points in the comments received. A notice announcing that the 1981 revision of the proposed ordinance had been provided to AFDO was published in the **Federal Register** of September 18, 1981 (46 FR 46395).

Three AFDO Committees reviewed the document and offered 55 additional comments. AFDA carefully considered each comment and made a number of additional changes reflecting these recommendations. The new code was approved by FDA on June 7 and by AFDO on June 13, 1982.

Copies of the model code are available from the Association of Food and Drug Officials, P.O. Box 3425, York, PA 17402. Current prices[1] prepaid are: $3.50 per copy (sent book rate) $4.00 per copy (sent first class); $3.00 per copy (orders for 10 or more copies); and $2.75 per copy (orders for 50 or more copies). Requests for copies should be identified with "Retail Food Store Sanitation Code—1982." Checks should be made payable to FDO. A copy of the model code is available for viewing at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

Dated: July 16, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-19948 Filed 7-22-82; 8:45 am]

BILLING CODE 4160-01-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of

[1] Price subject to change.

Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on July 16.

Public Health Service

National Institutes of Health

Subject: Retirement Substudy of the Iowa 65 + Rural Health Study—Preliminary Plan
Respondents: Individuals
OMB Desk Officer: Richard Eisinger

Social Security Administration

Subject: Summer State Survey of FY 82 Low-Income Home Energy Assistance Program (SSA–2201)—New
Respondents: State or Local Governments
OMB Desk Officer: Milo Sunderhauf

Health Care Financing Administration

Subject: Home Dialysis Target Rate Reimbursement Agreement and Instruction (HCFA–119A)—Extension/No Changes
Respondents: Businesses
OMB Desk Officer: Fay S. Iudicello

Office of Human Development Services

Subject: Assessment of Voluntary Placement Assistance—New
Respondents: Child Welfare social workers/parents
Subject: Program Performance Standards Self Assessment Instrument—Youth Development Bureau (0980–0037)—Extension
Respondents: Runaway and Homeless Youth Act grantees
OMB Desk Officer: Milo Sunderhauf

Office of the Secretary

Subject: Utilization of Products Disseminated by the National Diabetes Clearinghouse—New
Respondents: Nurses/physicians/dieticians
OMB Desk Officer: Richard Eisinger

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524–F, Washington, D.C. 20201;
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer).

Dated: July 16, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 82–19799 Filed 7–22–82; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Filing Period for Good Neighbor Program Applications

Correction

In FR Doc. 82–19466, appearing on page 31327 in the issue of Monday, July 19, 1982, the second line of the first complete paragraph in the second column should have read, "Offices are now in the process of".

BILLING CODE 1505–01–M

Colorado; Craig District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Public Law 92–463, that a meeting of the Craig District Grazing Advisory Board will be held on August 26, 1982, at the Craig District Office of the Bureau of Land Management, 455 Emerson Street, Craig, Colorado 81625. The meeting will convene at 10:00 a.m.

The agenda for the meeting will include: (1) Status of range improvement projects being constructed in FY '82 and proposed projects for FY '83; (2) the expenditures of advisory board funds for range improvements; (3) status of Kremmling Resource Management Plan, livestock forage allocations and monitoring studies; (4) discussion of White River grazing decisions and a review of allotment management plans; (5) status of the Little Snake inventory.

The meeting is open to the public. Interested persons may make oral statements to the board between 10:00 and 11:00 A.M. on August 26, 1982, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81626, by August 21, 1982. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: July 14, 1982.

Terry L. Plummer,

Acting Distirct Manager.

[FR Doc. 82–19922 Filed 7–22–82; 8:45 am]

BILLING CODE 4510–84–M

Ely District, Nevada; Schell Resource Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Intent to prepare a Wilderness Environmental Impact Statement for the Schell Resource Area, scoping of wilderness alternatives.

SUMMARY: This notice advises the public that a wilderness environmental impact statement (EIS) will be prepared by the Bureau of Land Management for eight wilderness study areas (WSAs) in the Schell Resource Area, Ely District, Nevada. This notice also advises that a scoping period will be held to solicit comments from the public concerning the alternatives for the Schell Wilderness EIS.

The wilderness EIS will be conducted to determine which of eight WSAs or portions of these WSAs, if any, are suitable for designation as wilderness. The eight WSAs encompass 424,583 acres. Analysis will be conducted in accordance with the National Environmental Policy Act, the regulations of the Council of Environmental Quality, and the BLM's *Wilderness Study Policy*.

Scoping for the EIS alternatives will be conducted beginning with the publication of this notice and lasting through September 10, 1982. The purpose of the scoping period is to solicit written comments about the alternatives formulated, in particular the composition of the individual alternatives and the representativeness of the array presented by the four alternatives. For the Schell EIS, the four alternatives are the No-Wilderness Alternative, the All-Wilderness Alternative, the Management Framework Plan (MFP–2) Alternative and a Limited-Wilderness Alternative. The eight WSAs are listed below:

WILDERNESS STUDY AREAS

		Acreage
NV–040–172	Far South Egans	53,224
NV–040–202	White Rock Range	23,625
NV–040–206	Parsnip Peak	88,175
NV–040–242	Worthington Mountains	47,632
NV–040–246	Weepah Spring	61,137
NV–040–169	Mount Grafton	73,216
NV–040–177	Fortification Range	41,615
NV–040–197	Table Mountain	35,959
Total Acreage		424,583

DATES: Three scoping meetings will be conducted at the following locations:

Reno, Nevada—El Dorado Hotel—August 9, 1982, 3:00 to 4:30 p.m. and 7:00 to 9:00 p.m.

Ely, Nevada—White Pine Library, Conference Room—August 10, 1982, 7:00 to 9:00 p.m.

Pioche, Nevada—Lincoln County Courthouse—August 11, 1982, 7:00 to 9:00 p.m.

ADDRESS: Comments should be addressed to Merrill DeSpain, District Manager, Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

FOR FURTHER INFORMATION CONTACT: Wayne Lowman, Schell Area Manager, or Wayne Howle, Wilderness Program Leader, Ely District Office, (702) 289-4865.

Dated: July 16, 1982.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 82-19923 Filed 7-22-82; 8:45 am]

BILLING CODE 4310-84-M

[Modified Competitive Sale—I-17736]

Idaho Falls District; Realty Action; Public Lands in Bear Lake County, Idaho

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than the fair market value of $17,400 for Tract #1 and $17,600 for Tract #2.

Boise Meridian, Idaho

T. 16 S., R. 45 E.,
Tract #1—Section 11: E½SE¼—80 acres;
Tract #2—Section 23: W½SE¼—80 acres.

The land will be sold at public auction by modified competitive bidding. DeMar W. Romrell, Star Route 1, Montpelier, Idaho 83254 and J.R. Ream Ranch, c/o Mrs. J.R. Ream, Dingle, Idaho 83233, the adjoining landowners of Tract #1, will be the designated bidder to have a perference right to purchase the land by meeting the highest bid. If both landowners exercise their preference, an oral bid-off will be held at the Bureau of Land Management, Soda Springs Resource Area Office, 490 East 2nd South, Soda Springs, Idaho 83276 at 2:00 p.m. on Thursday, November 1, 1982. Such preference right is being offered because Mr. Romrell and Mrs. Ream are the adjoining landowners of Tract #1.

George Weston, Laketown, Utah 84035, the adjoining landowner of Tract #2, will be the designated bidder to have a preference right to purchase the land by meeting the highest bid. Such preference right is being offered because Mr. Weston is the adjoining landowner of Tract #2.

The land has not been used for and is not required for any federal purpose. The location and physical characteristics of the tract make it difficult and uneconomical to manage as public land. Disposal would not have any significant effect on resource values and would best serve the public interest.

A patent for the land, when issued, will be subject to the following conditions:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All minerals will be reserved to the United States as required by Section 209(a) of the Federal Land Policy and Management Act of 1976, U.S.C. 1719.

3. All valid existing rights and reservations of record.

The sale will be held at the Bear Lake County Courthouse, 7 East Center, Paris, Idaho 83261, at 2:00 p.m. on Thursday, September 30, 1982.

BIDDING INFORMATION AND INSTRUCTIONS:

Bidder Qualifications

The Federal Land Policy and Management Act requires that bidders must be citizens of the United States 18 years of age or over, or, in the case of a corporation, be subject to the laws of any state or the United States. Bids may be made by a principal (the one desiring to purchase the land) or his duly qualified agent.

Bid Standards

No bid will be accepted for less than the appraised fair market value of: Tract #1—$17,400; Tract #2—$17,600. Bids must be for all the land in the specified tract.

Method of Bidding

The land will be sold by sealed bid only. Bids sent by mail will only be considered if received by the Bureau of Land Management, Soda Springs Resources Area Office, 490 East 2nd. South, Soda Springs, Idaho 83276, prior to 1:00 p.m. on September 30, 1982. Bids must be in sealed envelopes, accompanied by a certified check, postal money order, bank draft or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. Sealed bid envelopes must be marked in the lower left-hand corner, "Sealed bid, Public Land Sale I-17736, Sale to be September 30, 1982". If two or more valid sealed bids in the same amount are received, the determination of which is to be considered the highest bid shall be by a drawing. The drawing, if required, shall be held immediately following the opening of the bids. The highest qualifying sealed bid shall then be declared.

Modified Bidding

For a period of 30 days following the date of the sale, DeMar W. Romrell and J.R. Ream Ranch, c/o Mrs. J.R. Ream for Tract #1 and George Weston for Tract #2 will have a preference right to purchase the land by meeting the highest bid. If they meet the highest bid, the land will be sold to them, and the other bid will be returned. Refusal or failure by the designated bidder to meet the highest bid shall constitute a waiver of such bidding provision.

Final Details

Once a high bid is accepted, the successful bidder shall submit the balance of the full bid price within the time designated by the authorized officer. Failure to submit the required balance within the period of time allowed will result in cancellation of the sale and the bid deposit will be forfeited. If the high bid is accepted, the full bid price is paid, and required citizenship or corporate qualifications are met, title to the lands will be conveyed by a patent.

FURTHER INFORMATION/INQUIRIES: Detailed information concerning this sale, including the planning documents and Environmental Assessment, is available for review in the Soda Springs Resource Area Office at the address indicated above. For the period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, Idaho Falls District Manager, 940 Lincoln Road, Idaho Falls, Idaho 83401. Any adverse comments will be evaluated by the Idaho State Director. Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: July 15, 1982.

O'dell A. Frandsen,

District Manager.

[FR Doc. 82-19919 Filed 7-22-82; 8:45 am]

BILLING CODE 4310-84-M

[ES 30504, Survey Group 78]

Michigan; Filing of Plats of Survey

1. On November 19, 1981, the plats representing the survey of 5 islands in Potagannissing Bay, which were omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on October 21, 1982.

The tracts shown below describe the islands omitted from the original survey.

Michigan Meridian, Michigan

T. 43 N., R. 5 E.,
Tract Nos. 37, 38, 39, 40, and 41.

2. The islands described above are separate and distinct yet similar in all respects to that of the adjacent surveyed lands.

a. The island Tract No. 37 rises approximately 3 feet above the ordinary high water mark of Potagannissing Bay and has a thin layer of soil over a rocky base. Timber consists of birch, spruce, balsam fir, and cedar with undergrowth of alder.

b. The island Tract No. 38 rises approximately 5 feet above the ordinary high water mark of Potagannissing Bay and has a thin layer of soil over a rocky base. Timber consists of elm, aspen, and ash with undergrowth of willow, dogwood and alder. Many large boulders were found on the island.

c. Tract No. 39 rises approximately 10 feet above the ordinary high water mark of Potagannissing Bay and has a thin layer of soil over a rocky base. Numerous large boulders were found on the island. Tree species consist of cedar, birch and elm with undergrowth of willow and dogwood.

d. The island Tract No. 40 rises approximately 2 feet above the ordinary high water mark of Potagannissing Bay and has a thin layer of soil over a rocky base. Timber consists of elm, birch, aspen, maple, and cedar with undergrowth of willow and alder.

e. Tract No. 41 rises approximately 3 feet above the ordinary high water mark of Potagannissing Bay and has a thin layer of soil over a rocky base. Timber consists of cedar and aspen with undergrowth willow and alder.

3. The tracts described above were found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat 519). They are, therefore, held to be public land.

4. Except for valid existing rights, the islands will not be subject to application petition, location, or selection under any public law until a further order is issued.

5. All inquiries relating to these islands should be sent to the Chief, Division of Lands and Minerals Operations, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before October 21, 1982.

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82-19917 Filed 7-22-82; 8:45 am]

BILLING CODE 4310-84-M

[ES 30508, Survey Group 78]

Michigan; Filing of Plat of Survey

1. On November 19, 1981, the plat representing the survey of 5 islands in Lake Huron and 1 island is De Tour Passage, which were omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on October 21, 1982.

The tracts shown below describe the islands omitted from the original survey.

Michigan Meridian, Michigan

T. 41 N., R. 4 E.,
Tract Nos. 37, 38, 39, 40, 41, and 42.

2. The islands described above are separate and distinct yet similar in all respects to that of the adjacent surveyed lands.

a. The island Tract No. 37 rises approximately 4 feet above the ordinary high water mark of Lake Huron and has a soil composition of stony loam over glacial-till. Large boulders were found on the island. Timber consists of cedar, spruce, balsam fir, and birch. Borings showed trees to be up to 70 years old.

b. Tract No. 38 rises approximately 4 feet above the ordinary high water mark of Lake Huron and has a soil composition of stony loam over glacial-till. Tree species consist of cedar, balsam fir, birch, and aspen. Borings showed trees to be up to 70 years old. Large boulders were found on the island.

c. The island Tract No. 39 rises approximately 6 feet above the ordinary high water mark of Lake Huron and has a soil composition of stony loam over glacial-till. Large boulders were found on the island. Tree species consist of cedar, spruce, balsam fir, birch, and aspen. Borings showed trees to be up to 70 years old.

d. Tract No. 40 rises approximately 4 feet above the ordinary high water mark of Lake Huron and has a soil composition of stony loan over glacial-till. Large boulders were found on the island. Tree species consist of white pine, spruce, cedar, and birch. Borings showed trees to be up to 75 years old.

e. The island Tract No. 41 rises approximately 7 feet above the ordinary high water mark of Lake Huron and has a soil composition of stony loam over glacial-till. Timber consists of cedar, spruce, balsam fir, and birch. Borings showed trees to be up to 70 years old. Decomposed stumps and large boulders were found on the island.

f. Tract No. 42 rises approximately 1 foot above the ordinary high water mark of De Tour Passage and has a soil composition of humus over glacial-till. Tree species consist of spruce, cedar and birch. Borings showed trees to be up to 60 years old. Large boulders were found on the island.

3. The islands describd above were found to be over 50 percent upland in character within the purview of the Swamp Lands Act of Septebmer 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

4. Except for valid existing rights, the islands will not be subject to application, petition, location, or selection under any public law until a further order is issued.

5. All inquiries relating to these islands should be sent to the Chief, Division of Lands and Minerals Operations, Eastern States Office, Bureau of Land Management, 350 South Pickett street, Alexandria, Virginia 22304 on or before October 21, 1982.

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82-19920 Filed 7-22-82; 8:45 am]

BILLING CODE 4310-84-M

[ES 30513, Survey Group 78]

Michigan; Filing of Plat of Survey

1. On November 19, 1981, the plat representing the survey of one island in Lake George, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m. on October 21, 1982.

The tract shown below describes the island omitted from the original survey.

Michigan Meridian, Michigan

T. 47 N., R. 2 E.,
Tract No. 37.

2. The island described above is separate and distinct yet similar in all respects to that of the adjacent surveyed lands.

The island Tract No. 37 rises approximately 10 feet above the ordinary high water mark of Lake George and has a soil composition of humus over glacial-till. Tree species consist of elm, spruce and birch. Decomposed stumps and trees up to 35 inches in diameter were found on the island.

3. The island described above was found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is, therefore, held to be public land.

4. Except for valid existing rights, the island will not be subject to application, petition, location, or selection under any public law until a further order is issued.

5. All inquiries relating to this island should be sent to the Chief, Division of Lands and Minerals Operations, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before October 21, 1982.

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82-19921 Filed 7-22-82; 8:45 am]

BILLING CODE 4310-84-M

Montana; Partial Termination of Proposed Withdrawal and Reservation of Land

July 15, 1982.

The Forest Service, United States Department of Agriculture, filed an application for withdrawal of the following described land from operation of the public land laws, including location and entry under the mining laws. The Notice of Proposed Withdrawal was published in the **Federal Register** on June 1, 1972, Volume 37, No. 106, page 10964, and republished on August 26, 1977, Volume 42, No 166, p. 43132. The applicant agency has cancelled its application in part as to the following:

Principal Meridian, Deer Lodge National Forest

Rock Creek Trail End Facility

T. 2 S., R. 3 W.,
Sec. 6, SE¼ of lot 6 and NE¼ of lot 8.
Total area 15 acres.

Spire Rock Spike Camp

T. 2 N., R. 5 W.,
Sec. 6, SE¼ of lot 4, lot 5.
Total area 53.89 acres.

The total acres described aggregate 68.89 acres in Madison and Jefferson Counties.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1), at 8 am on September 15, 1982, such land will be relieved of the segregative effect of the above mentioned application.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-19927 Filed 7-22-82; 8:45 am]

BILLING CODE 4310-84-M

California Desert District; Motorized Vehicle Use Designation of the Jacumba Outstanding Natural Area—Correction

The following corrections are made to FR Doc. 82-17170 appearing on pages 27407 through 27409 in the issue of June 24, 1982. The corrections are found on page 27408, column 3, under the subheading of "Closed Area Designations."

In the legal description of lands closed to motorized vehicle use within T. 17 S., R. 9 E., SBM, the line reading "Sec. 14, WE¼, W½E½;" is corrected to read "Sec. 14, W½, W½E½;". In the legal description of lands closed to motorized vehicle use within T. 17 S., R. 10 E., SBM, the line reading "Sec. 23, E½, SW¼, E½W½SW¼, S½SE¼;" is corrected to read "Sec. 23, E½SW¼, E½W½SW¼, S½SE¼;".

Dated: July 13, 1982.

Gerald E. Hillier,

District Manager.

[FR Doc. 82-20030 Filed 7-22-82; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; Alaska Regional Technical Working Group Committee; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-643.

The Alaska Regional Technical Working Group Committee of the National Advisory Board will hold a meeting on August 5, 1982, beginning at 9 a.m. in the Mountainview Conference Room, Alaska OCS Office, 620 East 10th Avenue, Anchorage, Alaska.

The meeting will cover the following principal subjects:

—Final 5-Year OCS Leasing Schedule.
—Proposed Notice of Sale, Diapir Sale 71.
—Area Selection, Navarin Sale 83.
—Proposed Notice of Sale, Norton Sale 57 (if available).
—MMS Organization.
—Discussion of the Beaufort Sea Transportation Management Plan.
—Update on Studies for FY 1983 and FY 1984.

The meeting is open to the public. Public attendance may be limited by the space available. Summary minutes of the meeting will be available at the Alaska OCS Office for public inspection and copying 3 weeks after the meeting.

For further information, contact Gordy Euler at the Alaska OCS Office, (907) 276-2955.

Dated: July 13, 1982.

Esther C. Wunnicke,

Acting Manager, Alaska, OCS Region.

[FR Doc. 82-20023 Filed 7-22-82; 8:45 am]

BILLING CODE 4310-84-M

Application Procedures; Place of Filing of Simultaneous Oil and Gas Leasing Applications

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Existing regulations under § 3112.2-1(a) of Title 43 of the Code of Federal Regulations require the filing of simultaneous oil and gas lease applications on a form approved by the Director, Bureau of Land Management.

The only form approved by the Director for use in the Simultaneous Oil and Gas program administered by the Montana, Arizona, Idaho, and Oregon State Offices beginning on September 1, 1982, is the Automated Simultaneous Oil and Gas Lease Application (Bureau of Land Management Forms 3112-6 and 3112-6(a), OMB No. 1004-0065). Applications for a simultaneous oil and gas lease for lands under jurisdiction of these offices shall, on or after September 1, 1982, be submitted to the Bureau of Land Management's Wyoming State Office, 2512 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

No simultaneous oil and gas lease applications will be accepted in the Bureau of Land Management's Montana, Arizona, Idaho, and Oregon State Offices. Simultaneous oil and gas lease applications submitted to the Wyoming State Office on the manual form will not be accepted. Applications filed on the automated form received in a condition that the authorized officer determines would prevent automated processing will not be accepted.

Applications determined to be unacceptable will be returned to the applicant along with the filing fee. All applications shall be filed in accordance with Group 3100, subchapter C, Chapter II of Title 43 of the Code of Federal Regulations.

Forms 3112-6 and 3112-6(a), which are machine readable, will allow an applicant to file for up to 600 tracts on a single application. Ten copies of the form are available from any of the Bureau of Land Management State offices. Additional copies of the application form can be purchased from the Superintendent of Documents.

Applicants who have filed Form 3112-6 (Part A) with the Wyoming State Office of the Bureau of Land

Management need not file that form again. Applicants are reminded that one copy of Form 3112–6(a) (Part B) must be filed for each State drawing. For example, applicants wishing to file for leases in both Wyoming and Idaho must file two copies of Part B, one for each State.

The automated form is designed to accommodate the automated processing of simultaneous oil and gas lease applications. The development of the automated process is a result of the Bureau's efforts to expedite the issuance of leases and lessen the paperwork burden on the public.

The Bureau of Land Management will continue to use the Simultaneous Oil and Gas Lease Application (Bureau of Land Management Form 3112–1) in State offices located in California and Utah.

It is anticipated that in the near future the Wyoming State Office will be designated the proper office for filing all simultaneous oil and gas lease applications. Future **Federal Register** notices will announce effective dates for both forms and filing for any affected State office.

James M. Parker,

Associate Director.

July 20, 1982.

[FR Doc. 82–20119 Filed 7–22–82; 8:45 am]

BILLING CODE 4310–84–M

Bureau Forms Submitted for Review

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of forms being submitted to Office of Management and Budget for review.

SUMMARY: The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the bureau's clearance officer at the number listed below. Comments and suggestions should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. William T. Adams, at (202) 395–7340.

Title: 43 CFR 2200, Exchanges, General.

Bureau Form Number: 1004–0056.

Frequency: Intermittent.

Description of Respondents: General Public, state and local governments, other Federal agencies.

Annual Responses: 115.

Annual Burden Hours: 345.

Bureau clearance officer (alternate): Linda Gibbs (202) 653–8853.

James M. Parker,

Acting Director

May 13, 1982.

[FR Doc. 82–20118 Filed 7–22–82; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Marathon Oil Co.

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Marathon Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2061, Block 321, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 9, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–20029 Filed 7–22–82; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

Gettysburg National Military Park and Gettysburg National Military Cemetery; Adams County, Pennsylvania; Availability of Draft General Management Plan/Environmental Assessment

An Environmental Assessment for the Draft General Management Plan for Gettysburg National Military Park and Gettysburg National Military Cemetery, Adams County, Pennsylvania has been distributed and is available for review and comment. Copies may be obtained from Gettysburg National Military Park, Gettysburg, PA 17325 or Mid-Atlantic Regional Office, 143 S. Third Street, Philadelphia, PA 19106.

Anyone wishing to provide comments on the Environmental Assessment for the Draft General Management Plan should address them to the Superintendent, Gettysburg National Military Park, Gettysburg, PA 17325, on or before September 6, 1982.

A public meeting will be held at the park on the evening of August 4, 1982 at 7:30 p.m. at the Cyclorama Center at the park. Anyone wishing to comment on the Environmental Assessment for the General Management Plan is invited to attend.

July 15, 1982.

Don H. Castleberry,

Acting Regional Director Mid-Atlantic Region.

[FR Doc. 82–19939 Filed 7–22–82; 8:45 am]

BILLING CODE 4310–70–M

Mormon Pioneer National Historic Trail Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Mormon Pioneer National Historic Trail Advisory Council will be held beginning at 8:30 a.m., and concluding at 5:00 p.m., on August 13, 1982, at the Historical Library Conference Room, The Church of Jesus Christ of Latter Day Saints, 50 East North Temple Street, Salt Lake City, Utah. The Advisory Council was established by Pub. L. 90–543, section 5(d), as amended by Pub. L. 95–625, to consult with the Secretary of the Interior through the National Park Service on matters concerning the Trail, including selection of rights-of-way, markers and administration.

The meeting will be held for the purpose of Council review of the plan status, management action, implementation efforts, critical management issues, and Executive Council actions.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who will wish to submit written statements may contact Michael Beaudry, Trail Coordinator, Rocky Mountain Region, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225, (202) 234–4942.

Minutes of the meeting will be available for inspection 4 weeks after the meeting at the above address.

Dated: July 13, 1982.

Lorraine Mintzmyer,

Regional Director, Rocky Mountain Region.

[FR Doc. 82–19940 Filed 7–22–82; 8:45 am]

BILLING CODE 4310–70–M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. William T. Adams, at 202–395–7340.

Title: Concessioner Annual Financial Report.

Bureau Form Number: 10–356 and 356a.

Frequency: Annually.

Description of Respondents: Concessioners operating within National Park Service areas.

Annual Responses: 500.

Annual Burden Hours: 3,800.

Bureau clearance officer: Russell K. Olsen 523–5092.

Russell K. Olsen,

Information Collection Clearance Officer.

July 16, 1982.

[FR Doc. 82–19926 Filed 7–22–82; 8:45 am]

BILLING CODE 4310–02–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (Sub-181)]

Rail Carriers; the Atchison, Topeka and Santa Fe Railway Co., Exemption for Contract Tariff ICC–ATSF–C–0038

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Tom Smerdon, (202) 275–7277.

SUPPLEMENTARY INFORMATION: The Atchison, Topeka and Santa Fe Railway Company (ATSF) filed a petition on July 7, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract ICC–ATSF–C–0038 filed on July 7, 1982, to become effective on one day's notice. The contract involves the movement of grain.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. However, relief may be granted under 49 U.S.C. 10505.

The petition shall be granted. The volume of grain shipments has recently increased and cars capable of moving such tonnage are in short supply. Short notice effectiveness of the contract tariff will enable the shipper to continue to move the grain in available equipment, subject to minimum weight or volume requirements. An exemption will obviously be in the public interest.

Petitioner's contract ICC–ATSF–C–0038 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(e) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(d) if protests showing good cause are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505.)

Dated: July 19, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–19905 Filed 7–22–82; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29961]

Rail Carriers; Bangor and Aroostook Railroad Co.-Exemption-Abandonment Between Collins Siding and Van Buren, ME

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 the abandonment by the Bangor and Aroostook Railroad Company of 10.9 miles of track in Maine.

DATES: Exemption effective on August 23, 1982. Petitions for reconsideration must be filed by August 12, 1982, and petitions for stay must be filed by August 2, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423;

(2) Petitioner's representative, William M. Houston, Northern Main Junction Park, RR2 Bangor, ME 04401.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423, (202) 289–4357, DC metropolitan area, (800) 424–5403, Toll-free for outside the DC area.

Decided: July 15, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–19909 Filed 7–22–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-183)]

Rail Carriers; Burlington Northern Railroad Co.—Exemption for Contract Tariff ICC-BN-C-0038

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The Burlington Northern Railroad Company (BN) filed a petition on July 7, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit it to file on one day's notice a supplement to its contract tariff ICC-BN-C-0038 which would extend the expiration date of the contract. The contract provides for allowances on lumber and related articles.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. However, relief may be granted under 49 U.S.C. 10505.

The petition shall be granted. The contract, presently due to expire on July 25, 1982, provides for automatic extension. For the extension to be effective, however, it must be noticed in a supplement to the original contract tariff. Without short notice effectiveness of the supplement, the petitioner would be unable to extend the contract before its expiration date. An exemption will obviously be in the public interest.

Petitioner's contract ICC-BN-C-0038 may become effective on one day's notice. We will apply the following conditions which have ben imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(e) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(d) if protests showing good cause are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505.)

Dated: July 19, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-19906 Filed 7-22-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-91)]

Rail Carriers; Illinois Central Gulf Railroad Co.—Abandonment—in McLean, Tazewell, Logan and Mason Counties, IL; Notice of Findings

The Commission has found that the public convenience and necessity permit the Illinois Central Gulf Railroad Company to abandon its line of railroad extending from milepost 127.8 near Bloomington, IL to milepost 173.0 at Mason City, IL, a distance of 45.2 miles in McLean, Tazewell, Logan and Mason Counties, IL. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that. (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10-day period.

Information and procedures regarding financial assistance for continued rail services are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-19908 Filed 7-22-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-182)]

Rail Carriers; Norfolk & Western Railroad Co.—Exemption for Contract Tariff ICC-NW-C-0017

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariffs to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The Norfolk and Western Railroad Company (NW) filed a petition on July 7, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract ICC-NW-C-0017 to become effective on July 20, 1982. The contract was filed to become effective on August 5, 1982, and involves the movement of used locomotives.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The actual commencement of the receiver's rebuilding operations is dependent upon its scheduled receipt of locomotives beginning July 20, 1982. Advancement of the contract's effective date will assist in the rebuilding program. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

NW's contract may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

> Although the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(e) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement

in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(d) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Dated: July 16, 1982.

By the Commission, Division 2, Commissioners Andre, Gilliam, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-19907 Filed 7-22-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. *Parent Corporation and address of principal office:* Columbus Foundries, Inc., 1600 Northside Industrial Boulevard, Columbus, Georgia 31904.

2. *Wholly-owned subsidiaries which will participate in the operations, and state of incorporation.*

(I) Columbus Standard, Inc., Georgia.

(II) Commercial Precision Machining Co., Georgia.

(III) Waterworks Equipment Co., Georgia.

1. Parent corporation and address of principal office: Dixie Container Corporation, 2000 Jefferson Davis Highway, P.O. Box 26179, Richmond, Virginia 23260. Dixie Container Corporation is incorporated in Virginia.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Jackson Paper Manufacturing Company, a North Carolina corporation.

(ii) Dixie Container Corporation of North Carolina, a Delaware corporation.

(iii) Dixie Container Corporation of High Point, a North Carolina corporation.

(iv) Dixie Container Corporation of South Carolina, a Virginia corporation.

(v) Coleman Enterprises, Inc., a Virginia corporation.

(vi) Dixie Convoy Corporation, a North Carolina corporation.

1. Parent corporation and address of principal office: Dynatron Corporation, 2160 Hills Avenue, NW., Atlanta, Georgia 30318.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporation:

(i) Dynatron/Bondo Corporation—Georgia.

(ii) Bondo Freight Corp.—Georgia.

(iii) Dynatron/Bondo Corporation of California—California.

(iv) Dynatron Plastic Division Corporation of California—California.

(v) Reliable Strainer Mfg. Co., a corporation—California.

(vi) Dyantron/Bondo Corporation—Connecticut.

(vii) Bondo Canada Limited—Canada.

(1) Parent Corporation and address of principal office: Empire Machinery Co., 1725 South Country Club Drive, Mesa, AZ 85201; Mailing Address: P.O. Box 2985, Phoenix, AZ 85062.

(2) Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Empire Lift, an Arizona corporation.

(ii) Empire Transportation Co., an Arizona corporation.

1. The parent company address is: Federated Department Stores, Inc., 7 West Seventh Street, Cincinnati, OH 45202.

2. The wholly-owned divisions which are participating in this operation are as follows:

Abraham & Straus, 420 Fulton Street, Brooklyn, NY 11201
Bloomingdale's, 1000 Third Avenue, New York, NY 10022
Boston Store, 331 West Wisconsin Avenue, Milwaukee, WI 53203
Bullock's Broadway, 7th and Hill, Los Angeles, CA 90014
Bullock's Northern California, Executive and Administrative Offices, Administration Service Center, 135 Constitution Drive, P.O. Box 2007, Menlo Park, CA 94025
Burdines, 22 East Flagler Street, Miami, FL 33131
The Children's Place, 25 Riverside Drive, Pine Brook, NJ 07058
Filene's, 426 Washington Street, Boston, MA 02101
Foley's 1110 Main Street, P.O. Box 1971, Houston, TX 77001
Gold Circle Stores, P.O. Box 63, 6121 Huntley Road, Worthington, OH 43085
Goldsmith's 123 South Main Street, P.O. Box 449, Memphis, TN 38143
Lazarus, Town and High Streets, Columbus, OH 43216
Levy's, P.O. Box 27447, Tucson, AZ 85726
I. Magnin, 135 Stockton St. at Union Square, San Francisco, CA 94108
Ralph's Grocery Company, P.O. Box 54143, Los Angeles, CA 90054
Rich's, 45 Broad Street, S.W., P.O. Box 4539, Atlanta, GA 30302
Richway Stores, 45 Broad Street, P.O. Box 50359, Atlanta, GA 30302
Sanger Harris, 303 North Akard and Pacific, Dallas, TX 75222
Shillito/Rike's, Seventh and Race Streets, Cincinnati, OH 45202

1. *Parent Corporation:* GBP Industries, Inc., 302 Grote Street, Buffalo, New York 14207.

2. *Wholly-owned subsidiaries and State of Incorporation:*

Greater Buffalo Press, Inc, New York
Great Lakes Color Printing Corporation, New York
Southwest Color Printing Corporation, Texas
Dixie Color Printing Corporation, Alabama
Kenmore Colorplate Corporation, New York
Mid-Atlantic Color Printing, Pennsylvania
Greater Canada Colour Printing Limited, New York
Mid-West Color Printing Corporation, Iowa
Medina Sandstone Quarry, Inc., New York
Lakeview Leasing Corporation, New York
Southeastern Commercial Printing Corporation, Alabama
Buffalo Polycolor Corporation, New York
California Color Printing Corporation, California
Gazette Press, Inc., California
Chemical Process and Supply Co., New York

1. Parent corporation and address of principal office: J. P. Stevens & Co., Inc., 1185 Avenue of the Americas, New York, NY 10036.

2. Wholly-owned subsidiaries:

(a) The Black Hawk Corporation, White Horse Rd., Greenville, S.C. 29604.

(b) Foote & Davies, Inc., 3101 McCall Drive, Atlanta, Ga. 30340.

(c) Mid-America Webpress, Inc., 3700 N. W. 12 Street, Lincoln, Neb. 68501.

(d) Children's Publishers Corp., 123 South Hill Street, San Francisco, Ca. 94005

(e) Foote & Davies Transport Co., 3101 McCall Drive, Atlanta, Ga. 30340.

(f) Stevens Beechcraft, Inc., Greenville-Spartanburg Jetport, Greer, S.C. 29651.

(g) J. P. Stevens & Co. (Canada), Ltd., 474 Attwell Drive, Rexdale, Ontario M9W 1M4.

(h) J. P. Stevens International Sales, Inc., 1185 Avenue of the Americas, New York, N.Y. 10036

(i) J. P. Stevens (Europe), Ltd., 1185 Avenue of the Americas, New York, N. . 10036

(j) J. P. Stevens & Co. Limited, 26 Dover Street, London, England W1

(k) Stevens Graphics, Inc., 713 Glenn St., S. W., Atlanta, Ga. 30310

(l) Automated Graphics Unlimited, Inc., 880 Great Southwest Parkway, Atlanta, Ga. 30336

(m) Books, Inc., 3635 McChord Street, Montgomery, Ala. 36109

(n) Carolina Ruralist Press, Inc., 314 East Eighth Street, Charlotte, N. C. 28202

(o) Courier Graphics, Inc., 4325 Old Shepardville Rd., Louisville, Ky. 40218

(p) Florida Printers, Inc., 5190 S. W. 75th Ave., Miami, Fla. 33155

(q) Oxmoor Press, Inc., 100 W. Oxmoor Rd., Birmingham, Ala. 35201

(r) Ruralist Press, Inc., 713 Glenn St., S. W., Atlanta, Ga. 30310

(s) Superior Type, Inc., 109 Alexander, N. W., Atlanta, Ga. 30303

(t) Graphic Data Systems, Inc., 1819 Peachtree Rd., N.E., Atlanta, Ga. 30309.

1. Parent corporation and address of principal office: Wegmans Properties, Inc., 1500 Brooks Ave., Box 844, Rochester, NY 14692.

2. Participating wholly-owned subsidiaries and states of incorporation:

Wegmans Enterprises, Inc. (New York)

Wegmans Express, Inc. (New York)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-19910 Filed 7-22-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Long and Short-Haul Application for Relief (Formerly Fourth Section Application)

July 19, 1982.

This application for long and short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice. No. 43971, Southwestern Freight Bureau, Agent (No. B-159), carload rates on cottonseed hulls between stations in Southwestern Territory, including Mississippi River Crossings Memphis, TN and South; also between points in Southwestern Territory, on the one hand, and stations in Illinois and Western Trunk Line Territories, on the other hand, and only for account of the ARW, KCS, and LA, in Supplement 273 to its Tariff ICC SWFB 4450, effective August 10, 1982. Grounds for relief: Rate Relationships.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-19904 Filed 7-22-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-122

Decided: July 15, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF-540 (Sub-2), filed July 7, 1982. Applicant: L D S FORWARDING, 2211 Wood St., Oakland, CA 94607. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067, (213) 879-5955. As a freight forwarder in connection with the transportation of *general commodities* (except classes A and B explosives), between points in AZ, CA, NV, OR, and WA, on the one hand, and, on the other, points in the U.S.

MC 2421 (Sub-41), filed July 6, 1982. Applicant: NEWTON TRANSPORTATION COMPANY, INC. 510 Greer Circle, S.W., P.O. Box 678, Lenoir, NC 28645. Representative: Charles H. Keller, Jr. (same address as applicant) (704) 754-4518. Transporting *lumber and wood products,* between points in VA, on the one hand, and, on the other, points in IA, IN, IL, KY, NY, OH and TN.

MC 38481 (Sub-25), filed July 2, 1982. Applicant: FARRUGGIO'S BRISTOL AND PHILADELPHIA AUTO EXPRESS, INC., 1419 Radcliffe St., Bristol, PA 19007. Representative: Samuel J. Farruggio, Sr. (same address as applicant) (215) 788-5596. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in the U.S. (except AK and HI).

MC 61440 (Sub-220), filed July 8, 1982. Applicant: LEE WAY MOTOR FREIGHT, INC., P.O. Box 12750, Oklahoma City, OK 73157.

Representative: T. M. Brown (same address as applicant) (405) 840–7579. 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 J. C. Penney Company, Inc., of New York, NY.

MC 103210 (Sub-6), filed July 6, 1982. Applicant: SERVICE BUS CO., INC., 845 Nepperhan Ave., Yonkers, NY 10703. Representative: Sidney J. Leshin, 3 East 54th St., New York, NY 10022; (212)–759–3700. Transporting *passengers and their baggage* in the same vehicle as passengers, in special and charter operations, beginning and ending at points in NY, NJ, CT and FL, and extending to points in the U.S. (excluding HI).

MC 110310 (Sub-3), filed July 6, 1982. Applicant: INTER-COUNTY BUS LINES, INC., 513 S. Adams St., Havre de Grace, MD 21078. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814, (301) 986–9030. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in Harford and Cecil Counties, MD, and Lancaster County, PA, on the one hand, and, on the other, those points in the U.S. on and east of aline beginning at the mouth of the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 126091 (Sub-23), filed July 9, 1982. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240; (317) 846–6655. Transporting *metal products and machinery*, between points in the U.S. (except AK and HI), under continuing contract(s) with R. L. Best Company, Inc., of Youngstown, OH.

MC 129410 (Sub-33), filed July 6, 1982. Applicant: BONCOSKY TRANSPORTATION, INC., 1301 Industrial Drive, Algonquin, IL 60102. Representative: Carl L. Steiner, 29 South LaSalle Street, Chicago, IL 60603; (312) 236–9375. Transporting *metal and metal products*, between points in the U.S. (except AK and HI).

MC 144631 (Sub-5), filed July 12, 1982. Applicant: HHV TRANSPORTATION, INC. d.b.a. THACKER TRANSORTATION, 4201 East 52nd Ave., Commerce City, CO 80022. Representative: Dale E. Isley, Steele Park Suite 330, 50 South Steele St., Denver, CO 80209; (303) 320–6100. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in WA, OR, CA, AZ, UT, NV, ID, MT, WY, CO, NM, TX, OK, MO, KS, SD, ND, and NE.

MC 14761 (Sub-9), filed July 1, 1982. Applicant: FEDERAL ARMORED EXPRESS, INC., 7675 Canton Center Drive, Baltimore, MD 21224. Representative: Eugene T. Liipfert, Suite 1100, 1660 L Street, NW., Washington, DC 20036; (202) 452–7422. Transporting *currency, coin, securities, food stamps and bonds*, between points in IL, IN, IA and WI.

MC 147630 (Sub-3), filed July 2, 1982. Applicant: WILLIAM CHARLES REAK, d.b.a. NORTHWEST FLORIDA DRIVEAWAY, 201 Poinciana Drive, P.O. Box 777, Gulf Breeze, FL 32561. Representative: William Charles Reak (same address as applicant), (904) 932–6200. Transporting *motor vehicles*, between points in FL, AL and MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147900 (Sub-8), filed July 7, 1982. Applicant: COLLINS WHOLESALE SUPPLY, INC. d.b.a. COLLINS FREIGHT SERVICE, 4073 Hooker Rd., Roseburg, OR 97470. Representative: Lucille Collins (same address as applicant) (503)–673–1155. Transporting (1) *building materials and metal products*, between points in AZ, CO, KS, MT, NM, NE, ND, OK, SD, TX and WY; and (2) *metal products*, between points in CA, ID, NV, OR, WA and UT.

MC 148461 (Sub-2), filed July 6, 1982. Applicant: JOSEPH E. COBB d.b.a. JEC TRUCKING, 202 Highway 3 South, Yerington, NV 89447. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701; (702)–882–5649. Transporting *food and related products*, between points in CA, OR, WA, ID, WY, MT, NV, UT, CO, AZ, NM, OK, TX, NE, KS, IA and ND.

MC 151751 (Sub-5), filed July 6, 1982. Applicant: BRUNSON, INC., P.O. Box 489, Dodge City, KS 67801. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612; (913) 233–9629. Transporting *food and related products*, between points in Finney County, KS, on the one hand, and, on the other, points in TX and Dona Ana and Otero Counties, NM.

MC 153421 (Sub-3), filed July 9, 1982. Applicant: PRINTO, INC., P.O. Box 16039, Memphis, TN 38116. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304; (703)–751–2441. Transporting (1) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Baltimore, MD, and points in Anne Arundel, Baltimore, Howard, and Prince Georges Counties, MD, Fayette, Hardman, Haywood, Lauderdale, Madison, Shelby, and Tipton Counties, TN, Craighead, Critterden, Cross, Lee, Mississippi, Phillips, Poinsett, and St. Francis Counties, AR, Benton, Coahoma, Desoto Lafayette, Marshall, Panola, Quitman, Tate, and Tunica Counties, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *printed matter*, between points in AL, AZ, AR, CO, CT, DE, FL, GA, ID, IA, KS, KY, ME, MA, MI, MN, MO, MT, NE, NH, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TX, UT, VT, VA, WA, WV, WI, WY and DC.

MC 153751 (Sub-2), filed July 12, 1982. Applicant: LITTLE SHIRLEY'S TRANSPORTATION, INC., 2821 9th St. N.E., Puyallup, WA 98371. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055; (206) 228–3807. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Kaiser Cement Corporation, of Oakland, CA.

MC 154311 (Sub-1), filed July 2, 1982. Applicant: P. C. TRANSPORT, INC., 2081 East Bryan Road, Casper, WY 82609. Representative: Phillip M. Christopherson, 1739 S. Mitchell, Casper, WY 82601; 307/265–4621. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Ashland Chemical Company, Division of Ashland Oil Inc., of Dublin, OH; Denver Industrial, of Denver, CO; Emulsified Asphalt, of Evansville, WY; Nalco Chemical Company, of Oak Brook, IL; Sweitzer Oil Co., of Gunnison, CO; and Casper Oil Co., McKesson Chemical Co., and Weskem, Inc., all of Casper, WY.

MC 154491 (Sub-2), filed July 6, 1982. Applicant: THOMAS R. HAPPERSETT d.b.a. HAPPERSETT ENTERPRISES, Route 2, Wautoma, WI 54982. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703; (608)–256–7444. Transporting *such commodities* as are dealt in or used by floral businesses, between points in MN, WI, IL, MI, IN, OH and PA.

MC 155370 (Sub-2), filed July 12, 1982. Applicant: KEM CONTRACT CARRIERS, INC., Kirkwood Industrial Park, P.O. Box 1245, Binghamton, NY 13902–1245. Representative: Donald C. Carmien, Suite 501, Midtown Mall, 15 Chenango St., P.O. Box 1922,

Binghamton, NY 13902–1922; (607) 772–6993. Transporting *footwear,* between points in the U.S., under continuing contract(s) with Endicott Johnson Corporation, Endicott Johnson Shoe Co., Father & Son Shoe Co., Lehigh Safety Shoe Co., Nobil Shoe Co., Nosco Shoe Co., Trent Shoe Co., and Trimfoot Co., all of Endicott, NY.

MC 159371, filed July 12, 1982. Applicant: ECCARIUS TRUCKING, 14639 Highland Dr., Grass Valley, CA 95945. Representative: Carl D. Eccarius (same address as applicant) (916)–272–9429. Transporting *modular buildings,* between points in Placer County, CA, on the one hand, and, on the other, points in AZ, NV, and OR.

MC 160051 (Sub-1), filed June 30, 1982. Applicant: TALENT TRUCKING CO., P.O. Box 320, Talent, OR 97540. Representative: John A. Anderson, Suite 801, The 1515 Building, 1515 S.W. Fifth Avenue, Portland, OR 97201; (503) 227–4586. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Jackson County, Or, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *furniture and fixtures,* between points in Missoula County, MT, and Portage County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160300 (Sub-1), filed July 2, 1982. Applicant: TRANSPORT ALIVE CORPORATION, 669 Airport Freeway, Suite 205, Hurst, TX 76021; Representative: Bobby H. Hataway, 669 Airport Freeway, Suite 205, Hurst, TX 76021; (817) 268–3903. Transporting *furniture and fixtures,* between points in NC and VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161411,filed July 6, 1982. Applicant: AUGUST LINDECKER, d.b.a. LINDECKER TRUCKING, R.R. 1, Alexander, ND 58831. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108; (701) 237–4223. Transporting *chemicals and related products,* between points in McKenzie County, on the one hand, and, on the other, points in MN and MT.

MC 162820, filed July 6, 1982. Applicant: BEST WAY EXPRESS, INC., Old U.S. Highway 41 South, P.O. Box 728, Vincennes, IN 47591. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204; (317) 638–1301. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of malt beverages, between points in FL, IL, IN, KY, MI, MN, OH, and WI.

MC 162840, filed July 7, 1982. Applicant: ARLINGTON SHAKE CO., INC., P.O. Box 42, Arlington, WA 98226. Representative: Jim Pitzer, 15 S. Grady Wy., Suite 321, Renton, WA 98055–3273; (206) 235–1111. Transporting *lumber and wood products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Wesco Cedar, Inc., of Eugene, OR, and Western International Forest Products, Inc., of Portland, OR.

MC 162910, filed July 12, 1982. Applicant: CALIFORNIA FUEL COMPANY, 6260 Riverdale St., San Diego, CA 92120. Representative: Michael L. Miles (same address as applicant) (714)–563–0386. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Eagle Point Investments, of Eagle Point, OR, and The Price Company and The Monahan Industrial Equipment Corporation, each of San Diego, CA.

Volume No. OP2–156

Decided: July 15, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 52793 (Sub-107), filed July 6, 1982. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: David P. Christianson, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017; (213) 627–8471. Transporting *such commodities* as are dealt in or used by furniture and department stores, between points in the U.S., (except AK and HI) under continuing contract(s) with Levitz Furniture Corporation, of Miami, FL.

MC 118142 (Sub-254), filed July 6, 1982. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202; 316–265–2634. Transporting *paper and paper products,* between points in the U.S. (except AK and HI).

MC 125602 (Sub-2), filed July 1, 1982. Applicant: LOCKWOOD HORSE VANS, INC., 911 South Lily Lake Rd., McHenry, IL 60050. Representative: Edward G. Finnegan, 134 North La Salle St., Suite 1016, Chicago, IL 60602; 312–782–9500. Transporting *livestock,* other than ordinary, *mascots* used in the care and exhibition of livestock, *personal effects* of attendants, and *stable equipment,* between points in the U.S. (except AK and HI).

MC 141652 (Sub-52), filed July 6, 1982. Applicant: ZIP TRUCKING INC., P.O. Box 6126, Jackson, MS 39208. Representative: K. Edward Wolcott, Suite 1200, Atlanta Gas Light Tower, 235 Peachtree St., NE., Atlanta, GA 30303; (404) 522–2322. Transporting *marine and aircraft furniture and fixtures,* between points in Harrison County, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 144103 (Sub-5), filed July 1, 1982. Applicant: LAWRENCE EVERS, P.O. Box 176, Darby, MT 59829. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, 406–543–8369. Transporting *such commodities* as are used in or dealt in by food, drug, and hardware business houses, and *paper and paper products,* between Milwaukee, WI, Chicago, IL, points in Portage County, WI, and points in AZ, CA, ID, MN, NV, OR, UT, and WA, on the one hand, and, on the other, those points in the U.S., in and west of WI, IL, MO, KS, CO, and AZ (except AK, IA, and HI).

MC 153973 (Sub-5), filed July 6, 1982. Applicant: SPARTAN SERVICE TRANSPORTATION, INC., 1501 West Pershing Road, Chicago, IL 60609. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601; (312) 332–5106. Transporting *general commodities* (except classes A and B explosives, and household goods, and commodities in bulk), between points in IL, IN, KY, MO, IA, MN, WI, MI, OH and TN.

MC 162783 filed July 2, 1982. Applicant: HURRICANE TRUCKING, INC., 550 Aleen St., Houston, TX 77029. Representative: H. W. Stephens (same address as applicant) 713–674–6884. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX, LA, OK, CO, NM, and AR.

MC 162833, filed July 6, 1982. Applicant: CALUMET TRANSIT CO., 739 Aberdeen Dr., Crete, IL 60417. Representative: Joel H. Steiner, 29 South LaSalle St., Suite 905, Chicago, IL 60603; (312) 236–9375. Transporting *metal products, machinery, chemicals and related products, pulp, paper and related products, automotive products, and accessories and supplies for automotive products,* between points in IL, IN, IA, KY, MI, MO, OH, TN and WI.

Volume No. OP4–265

Decided: July 15, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 59247 (Sub-22), filed July 8, 1982. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Rd., Linden, NJ 07036. Representative: George A. Olsen, P.O. Box 357,

Gladstone, NJ 07934; (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, and household goods) between points in the U.S. (except AK and HI), under continuing contract(s) with C–I–L Chemicals, Inc., of River Rouge, MI.

MC 146807 (Sub-41), filed July 9, 1982. Applicant: SnW ENTERPRISES, INC., P.O. Box 1131, Wilkes-Barre, PA 18701. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505; (717) 342–7595. Transporting (1) *metal products,* between points in PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *metal products,* between points in AZ, CT, ID, KS, ME, MI, MN, NE, NV, MN, NJ, NY, ND, RI, SD, UT, VT, WI, and WY, (3) *metal products, rubber and plastic products, and transportation equipment,* between points in AL, CO, CT, FL, GA, IL, IN, IA, KS, KY, LA, MI, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WV, and (4) *general commodities* (except classes A and B explosives, and household goods, and commodities in bulk), between points in CT, NJ, NY, OH, and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149597 (Sub-28), filed July 6, 1982. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant) (715) 359–2907. Transporting *general commodities* (except classes A and B explosives, and household goods, and commodities in bulk), between points in the U.S. (except AK and HI) under continuing contract(s) with Southwest Forest Industries, of Phoenix, AZ.

MC 150607 (Sub-2), filed July 9, 1982. Applicant: B & B TRUCKING, INC., Box 2462, Williston, ND 58801. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502; (701) 223–5300. Transporting *dry drilling fluid, additives, storage houses and vans,* between those points in the U.S. in and west of ND, SD, NE, KS, OK, and TX.

MC 159327, filed July 7, 1982. Applicant: MANUFACTURERS RECYCLING DISTRIBUTORS, INC., 7014 8th Court NE., Salem OR 97303. Representative: Pamella E Moore (same address as applicant) (503) 390–6040. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WA and OR.

Volume No. OP4–266

Decided: July 14, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 98197 (Sub-7), filed July 9, 1982. Applicant: WALDRON TRUCK LINES, INC., 443 N. 47th St., Fort Smith, AR 72903. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154; (405) 424–3301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Sebastian, Scott, Logan, and Yell Counties, AR.

MC 107527 (Sub-66), filed July 8, 1982. Applicant: POST TRANSPORTATION CO., a California corporation, 1970 E. 213th St., Carson, CA 90810; Mailing address, P.O. Box 1000, Long Beach, CA 90801. Representative: John C. Allen (same address as applicant) (213) 549–4570. Transporting *acids, chemicals, and plastics,* between points in the U.S. (except AK and HI).

MC 142147 (Sub-2), filed July 9, 1982. Applicant: B–LINE TRUCKING, INC., 67 Esther St., Newark, NJ 07105. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904; (201) 572–5551. Transporting *commodities in bulk,* between New York, NY, on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, PA, RI, VA, and WV.

Volume No. OP5–147

Decided: July 12, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 52729 (Sub-27), filed June 30, 1982. Applicant: FIOROT TRUCKING, INC., P.O. Box 43, W. Main St., Pen Argyl, PA 18072. Representative: Floyd W. Mensch (same address as applicant) 215–863–4194. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 108243 (Sub-15), filed July 1, 1982. Applicant: SHAW TRUCKING, INC., P.O. Box E, Brockway, PA 15824. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107; 215–735–3090. Transporting *glass, plastic, and metal containers, and glass tubing and related products,* between those points in the U.S. locatd in and east of MN, IA, MO, AR, and LA.

MC 120909 (Sub-7), filed May 13, 1982. Applicant: MIDDLE AMERICAN EXPRESS, INC., 6 Front St., National Stock Yards, IL 62071. Representative: Joseph T. Kelleher, Jr., P.O. Box 224, Edwardsville, IL 62025; 618–656–4118. (1) Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, and MO and those points in KS which are in the Kansas City, MO, Commercial zone, and (2) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, and MO, and those points in KS which are in the Kansas City, MO, Commercial zone, on the one hand, and, on the other, points in AL, AR, CO, DE, FL, GA, IA, KS, KY, LA, MD, MI, MN, MS, NE, NJ, NM, NY, NC, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI, and WY.

MC 143868 (Sub-14), filed June 28, 1982. Applicant: R.E.T.E.N.O. CARRIERS, INC., P.O. Box 1438, Willmar, MN 56201. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609; (213) 945–2745. 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 Freight Management Systems, Inc., of Pittsburgh, PA.

MC 145108 (Sub-64), filed June 28, 1982. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren, 5600 First Ave., Brooklyn, NY 11220; (212) 392–7332. 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 Signode Corporation of Glenview, IL.

MC 153138 (Sub-3), filed July 1, 1982. Applicant: LARRY DON EASLEY, d.b.a., EASLEY TRUCKING, P.O. Box 103, Ben Wheeler, TX 75754. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245; 214–358–3341. Transporting *metal products,* between points in Cross County, AR, on the one hand, and, on the other, points in CA, OR, CO, AZ, NM, NV, and WA.

MC 154238 (Sub-2), filed June 25, 1982. Applicant: WESTERN CARRIER EXPRESS INCORPORATED, 2800 Brighton Blvd., Denver, CO 80216. Representative: Jerald D. Watters (same address as applicant) (303) 629–7117.Transporting (1) *pulp, paper and allied products,* and (2) *such commodities* as are dealt in or used by food, grocery department or variety stores and business houses, between points in the U.S. (except AK and HI).

MC 154568 (Sub-1), filed June 24, 1982. Applicant: CLARENCE DEAN KVALEVOG d.b.a. C. D. KVALEVOG TRUCKING, P.O. Box 917, Bemidji, MN 56601. Representative: James B. Hovland, 525 Lumber Exhange Bldg., Minneapolis, MN 55402; (612) 340–0808.

Transporting (1) *malt beverages* (a) between St. Louis, MO, on the one hand, and, on the other, points in Williams and Ward Counties, ND, Richland County, MT, and Beltrami County, MN; (b) between Milwaukee, WI, on the one hand, and, on the other, points in Ward County, ND; and (c) between Longview, TX, and Memphis, TN, on the one hand, and, on the other, points in Williams County, ND, and Richland County, MT; and (2) *such commodities* as are dealt in by farm supply wholesale houses, (a) between Kansas City and Wichita, KS, New Orleans, LA, Des Moines, IA, Denver, CO, St. Louis, MO, points in Gallatin County, MT, Dallas County, IA, and points in TX and GA, on the one hand, and, on the other, points in Cass County, ND, Saborn County, SD, and points in MN, and (b) between St. Paul, MN, on the one hand, and, on the other, points in ND and SD.

MC 155389 (Sub-1), filed July 1, 1982. Applicant: WITS TRANSPORT, INC., 333 Vine St., P.O. Box 4805, Seattle, WA 98124. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101; 206–624–2832. Transporting *general commodities* (except classes A and B explosives, and household goods, and commodities in bulk), between points in MN, IL, and CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162089 (Sub-1), filed July 1, 1982. Applicant: BODWAY TRUCKING, INC., 7660 Gainesville Ave., Jacksonville, FL 32208. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202; 904–632–2300. Transporting *general commodities* (except classes A and B explosives, and household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Alton Packaging Corporation of Alton, IL.

MC 162768, filed July 1, 1982. Applicant: NORTHLAND VALLEY TRANSFER, LTD., 524 North 9th St., St. Peter, MN 56082. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424; 612–927–8855. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in Blue Earth, Nicollet and LeSueur Counties, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162778, filed July 1, 1982. Applicant: JEAN N. BARDGETT d.b.a. BARDGETT TOURS, 1101 South McKnight Rd., St. Louis, MO 63117. Representative: Jean N. Bardgett (same address as applicant) 314–993–1533. To operate *as a broker* at St. Louis, MO in arranging for the transportation of passengers and their baggage, in special and charter operations, beginning and ending at St. Louis, MO, and points in St. Louis, Jefferson and St. Charles Counties, MO and extending to points in the U.S. (except AK and HI).

Volume No. OP5–148

Decided: July 12, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF–609, filed June 28, 1982. Applicant: ORION FREIGHT SYSTEM, INC., 3407 West Pershing Rd., Chicago, IL 60632. Representative: Owen B. Katzman, 1828 L St., NW., Suite 1111, Washington, DC 20016; (202) 822–8200. To operate as a *freight forwarder* of general commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

MC 112989 (Sub-161), filed July 6, 1982. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy 99 So., Eugene, OR 97405. Representative: John T. Morgans (same address as applicant) 503–747–1283. 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 130648 (Sub-1), filed July 6, 1982. Applicant: LANDALE, INC., 1313 S.W. Third, Rm #4, Oklahoma City, OK 73108. Representative: C. L. Phillips, Room 248, Classen Terrance Bldg., 1411 N. Classen, Oklahoma City, OK 73106; 405–528–3884. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 133239 (Sub-2), filed June 30, 1982. Applicant: SANDNER BROTHERS TRANSPORT, LTD., P.O. Box 40, Christina Lake, B.C. Canada VOH 1EO. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102; 206–325–8875. Transporting *building materials, machinery, chemicals, fertilizers,* and *electrical equipment,* between ports of entry on the international boundary line between the U.S. and Canada in WA, ID, and MT, on the one hand, and, on the other, points in WA, ID, MT, OR and CA.

MC 142258 (Sub-8), filed June 28, 1982. Applicant: DALE BLAND TRUCKING, INC., Rural Route 1, Switz City, IN 47465. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204; (317) 638–1301. Transporting *equipment and machinery* between points in IN, IL, KY, and OH, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, LA, MI, MN, MO, MS, NC, OH, PA, SC, TN, TX, VA, WI, and WV.

MC 142758 (Sub-1), filed June 28, 1982. Applicant: OHIO DELIVERY, INC., 85 East Gay St., Columbus, OH 43215. Representative: Earl N. Merwin (same address as applicant.) (614) 224–3161.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 Schenley Distillers, Inc., of Cincinnati, OH. Condition: U.S. Truck Lines, Inc. of Delaware, who appears to be engaged in common control of applicant and other regulated carriers, must either file an application under 49 U.S.C. 11343(a) to continue in control of applicant, or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 144969 (Sub-45), filed June 30, 1982. Applicant: WHEATON CARTAGE CO., Industrial Park Rd., Pennsville, NJ 08070. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., P.O. Box 269, Millville, NJ 08332; 609–825–1400, Ext. 2414. Transporting *pulp paper and related products,* between points in Kennebec, Cumberland and Somerset Counties, ME, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146779 (Sub-4), filed July 6, 1982. Applicant: REGAL TRUCKING CO., 9007 South Odell, Bridgeview, IL 60455. Representative: Albert A. Andrin, 180 No. LaSalle St., Chicago, IL 60601; 312–332–5106. Transporting *petroleum products,* between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 151488 (Sub-2), filed June 30, 1982. Applicant: BROOKLYN EXPRESS CO., 6525 Zealand Ave., North, Brooklyn Park, MN 55428. Representative: Samual Rubenstein, P.O. Box 5, Minneapolis, MN 55440; (612) 542–1121. Transporting *sugar* between points in the U.S. (except AK and HI), under continuing contract(s) with Have A Portion, Inc., of Roseville, MN.

MC 157009 (Sub-1), filed June 30, 1982. Applicant: ALL ALASKA TRANSPORTATION CO., P.O. Box 55251, 106 Kit Blvd., North Pole, AK 99705. Representative: Floyd D. Estes Sr. (same address as applicant), 907–452–8234. Transporting (1) *commodities in bulk,* (1) *construction equipment,* (3) *machinery,* (4) *mercer commodities,* and

(5) *camp supplies,* between points in Alaska (except those points south of an imaginary line beginning at the Gulf of Alaska and extending through Mount Crillon then across Glacier Bay and Lynn Canal to the International Boundary line between the U.S. and Canada).

MC 157289, filed June 30, 1982. Applicant: HUNTERLINE TRUCKING LTD., P.O. Box 421, Salmon Arm, BC CB VOE 2TO. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102; (206) 325–8875. Transporting *lumber and lumber products, shakes, and shingles,* between ports of entry on the international boundary line between the United States and Canada in WA, ID, MT, ND, NM, and WI, on the one hand, and, on the other, points in WA, ID, MT, ND, MN, and WI.

MC 162719, filed June 28, 1982. Applicant: YOUNGBLOOD ENTERPRISES, INC., Chalybeate Rd., P.O. Box 470, Haynesville, LA 71038. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245; (214) 358–3341. Transporting *Mercer commodities* between points in LA, on the one hand, and, on the other, points in TX, OK, AR, and MS.

MC 162798, filed July 6, 1982. Applicant: T AND S ENTERPRISES, INC., 7013 Sands Rd., Crystal Lake, IL 60014. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602; 312–726–6525. Transporting (1) *machinery* and (2) *metal products,* between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162828, filed July 6, 1982. Applicant: JACK A. HANSEN d.b.a. HANSEN TRUCKING SERVICE, 224 Evergreen St., Bensenville, IL 60106. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601; 312–332–5106. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IA, WI, MI, IN, IL, MO, MN, OH, KS and TN.

MC 162829, filed June 23, 1982. Applicant: JOAN R. DESKIN AND JOHN E. DESKIN d.b.a. MAGIC CARPET LINES, 15492 7th St., Victorville, CA 92392. Representative: Terry Caldwell, Pacific Federal Savings, 14250 Seventh St., Victorville, CA 92392; 714–245–1637. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, between points in the U.S. under continuing contract(s) with Magic Carpet Tours, of Victorville, CA.

Volume No. OP5–149

Decided: July 14, 1982.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 25399 (Sub-19), filed July 7, 1982. Applicant: A–P–A TRANSPORT CORP., 2100 88th Street, North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934; (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), under continuing contract(s) with Pfizer Inc., of New York, NY, Russell Stover Candies Inc., of Allantown, PA, Totes Inc., of Lancaster, PA, Smith Metal Arts Co. Inc., of Buffalo, NY, American Greetings Corporation, of Cleveland, OH, CIBA–GEIGY Corporation, of Ardsley, NY, The Mennen Company, of Morristown, NJ, Lapine Associates, Inc., of New York, NY, Angelica Uniform, of St. Louis, MO, The Putnam Publishing Group and The Berkeley Jove Publishing Group, of Lyndhurst, NJ, Revlon, Inc., of Edison, NJ, Max Factor & Co., of Hollywood, CA, KEM Manufacturing Corp., of East Brunswick, NJ, Goldring Inc., of New York, NY, Warren Press Inc., of New York, Jaguar Rover Triumph, of Leonia, NJ, YKK(USA) Inc., of Lyndhurst, NJ, Eagle Comtronics, Inc., of Clay, NY, Victor B. Handel & Bro., Inc., of New York, NY, Astra Pharmaceutical Products Inc., of Worcester, MA, KG Engineering Inc., of Woonsocket, RI, FPPF Chemical Company Inc., and Consumer Fuel Products, of Buffalo, NY, Tektronix, Inc., of Beaverton, OR, Langeveld Bulb Co., of Park Ridge, NJ, M. Grumbacher, Inc., of Cranbury, NJ, American Home Products Corporation, of New York, NY, Eli Lilly & Company, of Enfield, CT, Mallinckrodt, Inc., of St. Louis, MO, and The Bristol-Meyers Company, of New York, NY, between points in the US (except AK and HI).

MC 52858 (Sub-131), filed June 28, 1982. Applicant: CONVOY COMPANY, 3900 N.W. Yeon Ave., Portland, OR 97210. Representative: Raymond A. Greene, Jr., 100 Pine St., #2550, San Francisco, CA 94111; (415) 986–1414. Transporting *transportation equipment* between points in the U.S., under continuing contract(s) with Nissan Motor Corp. in U.S.A., of Carson, CA.

MC 79658 (Sub-24), filed July 2, 1982. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant) (812) 424–2222. Transporting *household goods* between points in the U.S. (except AK and HI), under continuing contract(s) with Frontier Airlines, Inc., of Denver, CO.

MC 80018 (Sub-23), filed July 1, 1982. Applicant: EDMAC TRUCKING COMPANY, INC., Hwy 301S, P.O. Box 770, Fayettesville, NC 28302. Representative: Kenneth D. Angell (same address as applicant) 919–424–4550. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 109818 (Sub-100), filed May 28, 1982. Previously published in the **Federal Register** (Republication) on June 15, 1982. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309; 515–244–2329. 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 General Foods Corporation of White Plains, NY; and its subsidiaries Birds Eye, Inc., of White Plains, NY., Oscar Mayer and Co., Inc., of Madison, WI., and General Foods Manufacturing Corporation of White Plains, N.Y.

Note.—This republication adds the third subsidiary as shown above.

MC 128989 (Sub-1), filed July 1, 1982. Applicant: JEROME KOENIG, Rural Route, Box 112, Fairfax, SD 57335. Representative: Dale Benson, P.O. Box 331, Burke, SD 57523; (605) 774–2656. Transporting *building materials* between points in OK, AR, and TX, on the one hand, and, on the other, points in IA, MN, SD, ND, and NE.

MC 147318 (Sub-13), filed July 6, 1982. Applicant: DEEP SOUTH TRUCKING, INC., P.O. Box 304, Purvis, MS 39475. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205; (601) 948 8820. Transporting *lumber and wood products* and *building materials,* (a) between points in AL, AR, FL, GA, LA, MS, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), (b) between points in AZ, CA, CO, ME, MI, MN, NH, NM, NC, OR, SC, TN, and WA, (c) between points in AZ, CA, CO, ME, MI, MN, NM, NC, OR, SC, TN, and WA, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MD, MO, NE, NJ, OH, OK, and VA, and (d) between points in MT, on the one hand, and, on the other, points in TN.

MC 149218 (Sub-20), filed July 6, 1982. Applicant: SUNBELT EXPRESS, INC., Sunbelt Drive, P.O. Box 604, Breman, GA 30110, Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328; (404) 256–4320. Transporting *general*

commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. in and east of MN, IA, NE, CO, OK and TX.

MC 150589 (Sub-7), filed July 7, 1982. Applicant: J & K TRANSPORTATION CO., INC., 1600 Industrial, Dearborn, MI 48120. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036; (202) 457–1124. Transporting (1) *steel and aluminum coils*, under continuing contract(s) with First American Resources Corporation, of Atlanta, GA, and (2) *automobile parts*, under continuing contract(s) with Grinnell Brake Manufacturing, of St. Clair Shores, MI, between points in the U.S. (except AK and HI).

MC 152509 (Sub-26), filed July 6, 1982. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant) (216) 566–2677. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Jack Meiderdrut & Associates, of Franklin Square, NY.

MC 155118 (Sub-9), filed July 7, 1982. Applicant: T.D.S. TRANSPORTATION, INC., 1700 South Wolf Road, Des Plaines, IL 60018. Representative: Julie L. Roper (same address as applicant) (312) 298–8800. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Cleo Wrap, of Memphis, TN, H. T. Tucker Industries, Inc., of Ft. Smith, AR, Glamos Wire Products Co., of Hugo, MN, Thompson Steel Company, Inc., of Canton, MA, Raven Industries, Inc., of Sioux Falls, SD, Thompson Industries Co., of Phoenix, AZ, and Union Camp Corporation, of Wayne, NJ.

MC 156319 (Sub-4), filed June 28, 1982. Applicant: GALEN O. KING, d.b.a. G.O.K. TRUCKING, 4792 S. State Rt. 53, Tiffin, OH 44883. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017; (614) 889–2531. Transporting *chemicals, grain, seed, fertilizers, feed, pesticides, and farm supplies*, between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157358 (Sub-1), filed June 23, 1982. Applicant: ERNCO TRANSPORTATION CORP., Box 227, Edgar, WI 54426. Representative: Richard Kaiser (same address as applicant) (715) 352–2311. Transporting *juvenile furniture and toys* between points in Marathon County, WI on the one hand, and on the other, points in IL, MI, and NY, under continuing contract(s) with Standard Container Co., of Edgar, WI.

MC 158318 (Sub-1), filed July 1, 1982. Applicant: TALCO CHEMICAL TRANSFER, INC., Route 1, Box 87, Soperton, GA 30457. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202; (904) 632–2300. Transporting *chemicals and related products* (except in bulk), between points in the U.S. (except AK and HI).

MC 158859 (Sub-5), filed July 7, 1982. Applicant: O. DEAN TRANSPORTATION, INC., 406 W. Williamsburg Rd., Sandston, VA 23150. Representative: P. Owen Dean (same address as applicant), (703) 737–7838. Transporting *pulp and paper products*, between points in King William County, VA on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with The Chesapeake Corporation of Virginia, of West Point, VA.

MC 159048 (Sub-1), filed June 28, 1982. Applicant: MYRICK TRUCKING CO., P.O. Box 145, Savanna, IL 61074. Representative: Perry G. and Nancy A. Myrick, 1424 Chicago Ave., Savanna, IL 61074; (815) 273–4162. Transporting *lead oxide* between points in Carroll County, IL, and Kaufman County, TX, on the one hand, and, on the other, points in IL, AR, IN, IA, KS, KY, MI, MN, MO, CO, OH, TN, WI, TX, LA, and AL.

MC 159168, filed July 1, 1982. Applicant: HAGEN TRUCKING CO., INC., 2814 La Ventana St., San Clemente, CA 92672. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633; (714) 738–3889. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA.

MC 159618 (Sub-1), filed July 1, 1982. Applicant: RYAN BROS. TRUCKING, INC., P.O. Box 596, Hwy 11N Trenton, GA 30752. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219; 615–244–8100. Transporting *textile mill products* between points in Dade, Murray, Walker, and Whitfield Counties, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161319, filed July 6, 1982. Applicant: KENNETH M. SMITH, 2714 E. 8th St., Casper, WY 82601. Representative: Kevin M. Clark, 2714 Bank Dr., Ste 8, Boise, ID 83705; 208–344–7714. Transporting *petroleum products and anti-freeze*, between points in the U.S. (except AK and HI), under continuing contract(s) with Energy Distributing Company of Casper, WY.

MC 161509, filed July 6, 1982. Applicant: BAUDY TRANSPORT, INC., 1717 S. Peters St., New Orleans, LA 70130. Representative: C. W. Ferebee, 3910 FM 1960 W., Suite 106, Houston, TX 77068; (713) 537–8156. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between Baton Rouge, Gramercy, and New Orleans, LA, on the one hand, and, on the other, points in LA.

MC 161509 (Sub-1), filed July 6, 1982. Applicant: BAUDY TRANSPORT, INC., 1717 S. Peters St., New Orleans, LA 70130. Representative: C. W. Ferebee, 3910 FM 1960 West, Suite 106, Houston, TX 77068; 713–537–8156. Transporting *metal products* between points in AL, AR, LA, MS, TX, and TN.

MC 161739, filed July 1, 1982. Applicant: WILLS FREIGHT LINE, INC., 1700 West Grand Ave., Oakland, CA 94623. Representative: Armand Karp, 743 San Simeon Dr., Concord, CA 94518; 415–825–1774. Transporting *electrical machinery*, between Oakland, CA, on the one hand, and, on the other, points in Alameda, Contra Costa, Fresno, Madera, Marin, Merced, Monterey, Napa, Placer, Sacramento, San Benito, San Francisco, San Joaquin, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Yolo and Yuba Counties, CA, under continuing contract(s) with General Electric Company of Oakland, CA.

MC 161759 (Sub-2), filed July 7, 1982. Applicant: NIPPON TRANSPORTATION SERVICE, 3408 Wisconsin Ave. NW., Washington, DC 20016. Representative: Noble & Roberts, 4801 Massachusetts Ave. NW., Washington, DC 20016; (202) 966–4440. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, limited to the transportation of not more than 20 people, excluding the driver, in any one vehicle, between points in DC, on the one hand, and, on the other, points in MD and VA.

MC 162499, filed July 15, 1982. (Previously published in **Federal Register** (Republication) on July 9, 1982. Applicant: SCHNUCKS TRANSPORTATION COMPANY, INC., 12991 Enterprise Way, Bridgeton, MO 63044. Representative: William H. Borghesani, Jr., 1150 17th St. NW., Suite 1000, Washington, DC 20036; (202) 457 1122. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between St. Louis, MO and points

in Clay and St. Louis Counties, MO and Clay and St. Clair Counties, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Purpose of republication is to show that applicant also seeks authority to serve St. Louis, MO.

MC 162709, filed June 28, 1982. Applicant: ANTHONY JOHN WALACH, JR. d.b.a. WALACH TRUCKING, 2707 East 31st St., Erie, PA 16510. Representative: William J. Kelly, 150 East Eighth St., P.O. Box 1819, Erie, PA 16507; (814) 453–7129. Transporting *machinery and machinery parts* between points in the U.S. (except AK and HI).

MC 162758, filed July 1, 1982. Applicant: SERVICE TRUCKING, INC., 413½ N. 5th Ave., MVA, Casper, WY 82604. Representative: David Froehlich (same address as applicant) (307) 472–0472. Transporting *Mercer commodities* between points in AR, LA, and MS, and those points in the U.S. in and west of ND, SD, NE, KS, OK, and TX (except AK and HI).

MC 162779, filed July 1, 1982. Applicant: LLOYD A. BELLINGER d.b.a. BELLINGER TRUCKING, Box 208, Little York, IL 61453. Representative: Lloyd A. Bellinger (same address as above) (309) 729–5119. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 162849, filed July 7, 1982. Applicant: ELSIE BLUM d.b.a. BLUM TRANSPORTATION, 1506 McClellan Drive, Klamath Falls, OR 97601. Representative: Robert Masterson, P.O. Box 1970, Lake Oswego, OR 97034; (503) 882–8694. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY, under continuing contract(s) with Cascade West Materials, Inc., of Lake Oswego, OR.

MC 162869, filed July 8, 1982. Applicant: SPRINGS TRANSPORT, INC., P.O. Box 70, Fort Hill, SC 29715. Representative: David A. Sutherlund, 1150 Connecticut Ave. N.W., Ste. 400, Washington, DC 20036; 202–452–6800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, DE, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT and VA under continuing contract(s) with Springs Industries, Inc. of Fort Mill, SC, and The Standard Register Company of York, PA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-19911 Filed 7-22-82; 8:45 am]

BILLING CODE 7035-01-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 July 12, 1982–July 16, 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–12,142; Zwicker Knitting Mills, Eagle Knitting Mills, Milwaukee, WI

TA–W–12,915; Princeton Shirt Corp., Perth Amboy, NY

TA–W–12,885; Avanti Co., Wyandotte, MI

TA–W–12,788; Rosalaine Dress, Inc., Hazelton, PA

TA–W–12,711; Samuel Coane, Inc., Philadelphia, PA

TA–W–12,773; Ben Shiffrin, Inc., New York, NY

TA–W–12,783; Arrowhead Sportswear, Philadephia, PA

TA–W–12,795; Kaiser Steel Corp., Light Steel Products Plant & Plate, Normalizing Operation, Fontana, CA

TA–W–12,760; Allis-Chalmers Corp., Appleton, WI

TA–W–12,635; V & E Dress Co., Brooklyn, NY

TA–W–12,964; Bayview Cedar Products, Inc., Hoquiam, WA

TA–W–12,971; Glass City Tool & Die Co., Toledo, OH

TA–W–12,973; Mesta Machine Co., West Homestead, PA

TA–W–12,974; Beaver Metal, Forest Products Div., Beaver, WA

TA–W–12,975; Beaverton Plastics, Inc., Clare, MI

TA–W–12,577; Mercer Dress, Burgin, KY

TA–W–12,719; Bardstown Manufactors, Bardstown, KY

TA–W–12,985; Tracy Fashions, Chamberburg, PA

TA–W–12,989; Westminster Knit Corp, Westminster, MD

TA–W–12,992; York Dress Co., York, PA

TA–W–13,028; Butte Knitting Mills, Spartanburg, SC

TA–W–13,030; David Knit, Northumberland, PA

TA–W–13,033; Greene Manufacturing Co., Greenville, TN

TA–W–13,034; Jonathan Logan Transportation, Spartanburg, SC

TA–W–13,035; Kim Fashions, Hialeah, FL

TA–W–13,040; Plaza Manufacturing Co., Spartanburg, SC

TA–W–13,042; Sandra Fashions, Sanford, FL

TA–W–13,045; Terrence Fashions, Miami, Fl

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–12,965; Betex Corp., Paterson, NJ

TA–W–12,966. Brewster Finishing Co., Inc., Paterson, NJ

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–12,920; FMC Corp., Alkali Chemicals Div., Modesto, CA

Aggregate U.S. imports of barium carbonate and strontium carbonate did not increase as required for certification.

TA–W–13,152; Fitzgerald Plating Co., Detroit, MI

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–12,859; International Harvester Co., Pittsburgh, Pa Truck Branch

Aggregate U.S. imports of trucks did not increase as required for certification.

TA–W–12,980; Oomphies, Inc., Lowell, MA

Aggregate U.S. imports of slippers did not increase as required for certification.

TA–W–12,977; Grand Ford, Inc., Bronx, NY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–12,888; Larry Mazzuca Buick, Inc., St. Louis, MO

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–13,107; Kenco Warehouse Distributors, Inc., Warren, MI

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

Affirmative Determinations

TA–W–12,968; Callins Industries, Inc., Greenfield, TN

A certification was issued in response to a petition received on September 9, 1981 covering all workers separated on or after September 4, 1980 and before December 31, 1981.

TA–W–12,952; Victoreen, Inc., Cleveland, OH

A certification was issued in response to a petition received on August 24, 1981 covering all workers engaged in employment related to the production of fixed film resistors separated on or after March 1, 1981.

TA–W–12,918; Texas Instruments, Inc., Liquid Crystal Display Dept., Dallas, TX

A certification was issued in response to a petition received on August 3, 1981 covering all workers separated on or after July 29, 1980 and before January 1, 1982.

TA–W–12,918A; Digital Watch Department, Lubboch, TX

A certification was issued in response to a petition received on August 3, 1981 covering all workers separated on or after July 29, 1980 and before January 1, 1982.

I hereby certify that the aforementioned determinations were issued during the period July 12, 1982–July 16, 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: July 20, 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82–19966 Filed 7–22–82; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C., 20213.

Signed at Washington, D.C. this 19th day of July 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Atlanta Steel Co. (USWA)	Atlantic, GA	7/9/82	7/5/82	TA-W-13,639	Angles, rods, nails.
(The) Anaconda Minerals Co., New Mexico Operations (UMTC).	LaGuna, NM	7/12/82	7/9/82	TA-W-13,640	Uranium mining.
(The) Anaconda Minerals Co., New Mexico Operation (UMTC).	Blue Water, NM	7/12/82	7/9/82	TA-W-13,641	Uranium, processing.
Armco Inc., Ashland Works (USWA)	Ashland, KY	7/12/82	7/7/82	TA-W-13,642	Steel products.
BRM, Inc., Harbour Road Div. (ILGWU)	Blue Ridge, GA	7/1/82	6/24/82	TA-W-13,643	Jeans—women's.
Bethlehem Steel Corp., and So. Buffalo Railway Co. (USWA).	Lackawanna, NY	7/2/82	6/29/82	TA-W-13,644	Steel products and hauling.
Bethlehem Steel Corp., and Johnstown Plant, and Conemaugh & Blacklick R.R. (USWA).	Johnstown, PA	7/13/82	7/8/82	TA-W-13,645	Bars, carbon and alloy, rods, wire, plates sheels, axles, circular forgings, coke and manganese.
Dolan Steel Co., Inc. (USWA)	Bridgeport, CT	7/15/82	7/12/82	TA-W-13,646	Steel—galvanized process cold rolled.
Kaiser Steel Corp. (boilermaker-blacksmiths)	Napa, CA	7/8/82	6/28/82	TA-W-13,647	Pipe and fabrication.
Kennecott Minerals Corp., Ray Mines Div. (USWA)	Ray, AZ	7/6/82	7/1/82	TA-W-13,648	Copper—mining.
Kennecott Minerals Corp., Ray Mines Div. (USWA)	Hayden, AZ	7/6/82	7/1/82	TA-W-13,649	Copper smelter.
L.C.P. Chemicals—NY, Inc. (USWA)	Syracuse, NY	7/9/82	7/6/82	TA-W-13,650	Chlorine, caustics, acid and bleach.
Latrobe Steel Co. (USWA)	Latrobe, PA	7/8/82	7/7/82	TA-W-13,651	Steel—tool, alloy specialty high temperature.
Sutton Shoe Co. (workers)	Sutton, WV	7/13/82	7/12/82	TA-W-13,652	Shoes, sandals—infant.
Copper Range Co., White Pine Copper Division (USWA).	White Pine, MI	7/8/82	7/6/82	TA-W-13,653	Copper extraction, milling, smelting.

[FR Doc. 82–19965 Filed 7–22–82; 8:45 am]

BILLING CODE 4510–30–M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Periods in the States of Arkansas and Maine

This notice announces the ending of the Extended Benefit Periods in the States of Arkansas and Maine, effective on July 3, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

Extended Benefit Periods commenced in the State of Arkansas on March 7, 1982 and in the State of Maine on February 21, 1982, and have now triggered off.

Determination of "off" Indicator

The heads of the employment security agencies of the States named above have determined that the rate of insured unemployment in each State for the period consisting of the week ending on June 12, 1982, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in each State.

Therefore, the Extended Benefit Periods in these States terminated with the week ending on July 3, 1982.

Information for Claimants

Each State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)((3).

Persons who wish information about their rights to Extended Benefits in the States named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on July 15, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 82-19996 Filed 7-22-82; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Periods in the States of Delaware and Indiana

This notice announces the ending of the Extended Benefit Periods in the States of Delaware and Indian, effective on July 17, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

Extended Benefit Periods commenced in the State of Delaware on April 18, 1982 and in the State of Indiana on January 31, 1982, and have now triggered off.

Determination of "off" Indicator

The heads of the employment security agencies of the States named above have determined that the rate of insured unemployment in each State for the period consisting of the week ending on June 26, 1982, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in each State.

Therefore, the Extended Benefit Periods in these States terminated with the week ending on July 17, 1982.

Information for Claimants

Each State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the States named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on July 15, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 82-19997 Filed 7-22-82; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period in the State of Kentucky

This notice announces the beginning of a new Extended Benefit Period in the State of Kentucky, effective on June 6, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established

the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, the State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State of Kentucky has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on May 22, 1982, and the immedately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in that State.

Therefore, a new Extended Benefit Period commenced in that State with the week beginning on June 6, 1982.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State of Kentucky or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on July 6, 1982.

Albert Angrisani,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 82-19998 Filed 7-22-82; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period in the State of Louisiana

This notice announces the beginning of a new Extended Benefit Period in the State of Louisiana, effective on June 27, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period acturally begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on June 12, 1982, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on June 27, 1982.

Information for Claimants

The duration of extended benefits payable in a new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on July 15, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 82-19999 Filed 7-22-82; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of Massachusetts

This notice announces the ending of the Extended Benefit Period in the State of Massachusetts, effective on June 26, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Massachusetts on March 28, 1982 and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State for the period consisting of the week ending on June 5, 1982, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending on June 26, 1982.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for extended Benefits of the end of Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on July 15, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 82-20000 Filed 7-22-82; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of Minnesota

This notice announces the ending of the Extended Benefit Period in the State of Minnesota, effective on July 10, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Minnesota on February 28, 1982 and has now triggered off.

Determination of "Off" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State for the period consisting of the week ending on June 19, 1982, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending on July 10, 1982.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State named above should contract the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on July 15, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 82-20001 Filed 7-22-82; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Periods in the States of Missouri and New Jersey

This notice announces the ending of the Extended Benefit Periods in the States of Missouri and New Jersey, effective on June 19, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment

benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

Extended Benefit Periods commenced in the State of Missouri on March 21, 1982 and in the State of New Jersey on February 28, 1982, and have now triggered off.

Determination of "off" Indicator

The heads of the employment security agencies of the States named above have determined that the rate of insured unemployment in each State for the period consisting of the week ending on May 29, 1982, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in each State.

Therefore, the Extended Benefit Periods in these States terminated with the week ending on June 19, 1982.

Information for Claimants

Each State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the States named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on July 15, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 82-20002 Filed 7-22-82; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Appointment of Members

Correction

In FR Doc 82-19348 appearing in the issue for Friday, July 16, 1982, on page 31096 make the following correction:

The third column, second paragraph, line one, under the heading *"Management,"* now reading, "Tom Baker, President, Electric Company", should be changed to read, "Tom Baker, President, Baker Electric Company".

BILLING CODE 1505-01-M

Pension and Welfare Benefit Programs

[Application No. D-3183]

Proposed Exemption for Certain Transaction Involving the Automotive Sales Co. Employee Stock Ownership Plan Located in Phoenix, Arizona

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) certain indemnifications by the Automotive Sales Company Employee Stock Ownership Plan (the Plan) for the benefit of the HJS, Inc. (the Employer), regarding the proposed sale of the assets of the Employer; and (2) the proposed salt of a portion of certain real property (the Property) by the Plan to the Employer. The proposed exemption, if granted, would affect the Employer, the participants and beneficiaries of the Plan and other persons participating in the transactions.

DATE: Written comments and requests for a public hearing must be received by the Department on or before September 1, 1982.

ADDRESS: All written comments and requests for a hearing (a least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-3183. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTRY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the administrative committee (the Administrative Committee) of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Refresentations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is an employee stock ownership plan which as of January 22, 1982, had 132 participants. The trustee of the Plan is the Valley National Bank of Arizona (the Bank) which is located in Phoenix, Arizona. Investment decisions for the Plan are made by the Administrative Committee which consists of Donald Newgart, Ray Fay, Jr. and Bruce Coales, all of whom are former employees of the Employer. None of the members of the Administrative Committee own any of the stock of the Employer. The Plan currently owns 103,284 shares (the Stock) of the issued and

outstanding stock of the Employer. The Stock represents 25.61 percent of the issued and outstanding stock of the Employer. The Employer, the sponsor of the Plan, on March 30, 1981 entered into an agreement (the Agreement) with the Parts Industries Company (the Parts Co.) for the sale of the assets of the Employer to Parts Co. Prior to the Agreement, the Parts Co. had no relationship to the Employer. The applicants represent that as is the custom with such sales, the Employer and Mr. Joseph Willsey (Willsey), the majority shareholder of the Employer, have indemnified the Parts Co. for certain claims (the Claims) which may be made within three years after the date of sale. Pursuant to the Agreement, twenty percent of the purchase price will be withheld for eighteen months and may be used to offset any Claims or any tax liability of the Employer. Willsey is not willing to liquidate the Employer unless the Plan as a part owner of the Employer agrees to contribute is proportionate share, along with Willsey, to a $300,000 reserve account (the Reserve fund) to cover the Claims or any potential tax liability of the Employer.

2. The applicant represents that subsequent to the sale of the assets of the Employer, it is the intent of the Employer to liquidate (the Liquidation) before November, 1982 and to distribute cash to the Plan in exchange for the Stock it owns while distributing cash and the Property owned by the Employer to other shareholders. The applicant represents that it is preferable for the Plan to receive cash from the Employer in lieu of that portion of the Property which the Plan would receive in a pro rata distribution of the assets of the Employer. This receipt by the Plan of all cash in lieu of cash and a portion of the Property may be construed to be a sale by the Plan of its portion of the Property to the Employer. The value of the Property to be used in this distribution will be determined by an independent M.A.I. appraisal at the time of the Liquidation. Accordingly, the applicant is requesting an exemption which will permit the Plan to accept cash in the Liquidation in lieu of a portion of the Property.

3. The applicant is also requesting an exemption that will permit the Plan to contribute to the Reserve Fund to cover any potential tax liability of the Employer and any liability for the Claims. In this regard, the applicant proposes that the Plan enter into an agreement (the 2nd Agreement) to contribute an amount equal to 25.61 percent of the Reserve Fund. The Plan's contribution to the Reserve Fund will be retained in an escrow account and represents amounts otherwise payable to the Plan by reasons of the Liquidation. The 2nd Agreement will further provide that the Reserve Fund will be placed in an interest-bearing account and on November 30, 1984, any balance in the Reserve Fund will be distributed to the Plan and Willsey in proportion to their holdings at the time of the Liquidation. The Plan will not be liable for any further claims beyond the Reserve Fund except for any tax liability which might arise independently of any agreement among the Plan, Willsey, the Employer and the Parts Co.

4. An independent party, Leslie A. Plattner (Plattner), an attorney whose office is located in Phoenix, Arizona has examined the proposed transactions. The applicant represents that Plattner has experience which pension plans and is a member of the Western Pension Conference and a member of the Board of Directors of the Central Arizona Estate Planning Council. Plattner certifies that the transactions will be in the best interests of the participants and beneficiaries of the Plan and that setting aside the Reserve Fund to assure meeting all the contingencies is a normal business practice and one which, when combined with the liquidation of the Employer and distribution of the net proceeds of sale, is in the aggregate, in the best interests of the participants and beneficiaries of the Plan. The Bank and the Administrative Committee also represent that the proposed transactions are in the best interests of the participants and beneficiaries of the Plan.

5. The applicant represents that the proposed transactions will satisfy the statutory requirements of section 408(a) of the Act as follows: (1) the Administrative Committee represents that they are in the best interests of the participants and beneficiaries of the Plan; (2) the Trustee represents that the transactions are in the best interests of the participants and beneficiaries of the Plan; (3) the transactions will be approved by an independent fiduciary; and (4) the Plan will receive cash in exchange for the Stock of a non-operating company.

Notice to Interested Persons

On or before August 2, 1982 a copy of the notice of pendency and a statement advising participants and beneficiaries of the Plan of their right to comment or request a hearing will be posted at the workplace of the Employer. Within the same time period the same information will be mailed to all terminated participants and beneficiaries.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) certain indemnifications by the Plan for the benefit of the Employer; and (2) the proposed sale of a portion of the Property by the Plan to the Employer provided that the Plan receives at least the fair market value of the portion of the Property at the time of the sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 15th day of July, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

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[Application No. D-3286]

Proposed Exemption for Certain Transactions Involving BREA Real Estate Fund-I Located in Minneapolis, Minnesota.

AGENCY: Pension and Welfare Benefit Program, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would allow a collective investment fund, BREA Real Estate Fund-I (Fund-I), that is managed by Banco Real Estate Advisers (BREA), in which employee benefit plans (the Plans) participate, to engage in certain transactions provided specified conditions are met. The proposed exemption, if granted, would affect participants and beneficiaries of the Plans, employers of employees covered under such Plans, BREA, Fund-I and other persons engaging in the transactions described herein.

DATES: Written comments and requests for a public hearing must be received by the Department on or before September 2, 1982.

ADDRESS: All written comments and requested for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-3286. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTRACT: Mr. Robert Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406 and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (F) of the Code. The proposed exemption was requested in an application filed on behalf of BREA, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued soley by the Department.

Preamble

On July 25, 1980, the Department published a class exemption, Prohibited Transaction Exemption 80-51 (PTE 80-51, 45 FR 49709), which permits collective investment funds that are maintained by banks and in which employee benefit plan participate to engage in certain transactions provided that specified conditions are met. The transactions for which the applicant has requested relief are those which are the subject of PTE 80-51.

The Department stated in PTE 80-51 that a comment had been received with regard to the proposed class exemption requesting that it be amended to apply to collective investment funds that are not maintained by banks. Relief was granted for bank collective investment funds because, among other reasons, such funds are regulated by other governmental agencies and constitute a well-defined class of funds. In the case of collective investment funds that are not maintained by banks, the Department found that the record was insufficient to determine the nature of the funds and the entities managing the funds that would comprise the class covered by such broad relief. As a result, the Department stated that it could not make the required statutory findings for such relief, and that relief for non-bank maintained collective investment funds should be dealt with on an individual rather than class basis.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. BREA is a registered investment adviser under the Investment Advisers Act of 1940. BREA, a division of Banco Mortgage Company (BMC), will serve as the investment adviser to Fund-I. There are 3,000 units (Units) of Fund-I that will be offered for sale. The price of each Unit is $50,000 and the minimum purchase by a Plan is $500,000. The offering of the Units in Fund-I is being made pursuant to a private placement that is exempt from registraton under the Securities Act of 1933. A private placement memorandum, which is given to all potential investors, describes the management, operations, investment objectives prior to investment, income tax consequences and compensation to be paid to BREA and its affiliates.

2. The five Trustees of Fund-I are individuals who are either officers of BMC or its parent, Northwest Bancorporation (Banco). None of the individuals who are Trustees of Fund-I, nor any of the employees, officers, or directors or shareholders of BREA or its affiliates, will own equity interests in Fund-I. Units may be sold to Plans with respect to which a Banco bank may be a fiduciary. However, all determinations regarding the purchase, holding and disposition of Units will be made on the

Plan's behalf by a Plan fiduciary who is not an affiliate of BREA or Banco.

3. Banco, as a major bank holding company and its subsidiaries, as major national banking associations, draw from a broad spectrum of the business community to fill their respective boards of directors. It is therefore probable that Units of Fund-I will be sold to Plans whose sponsors have one or more of their officers or directors on the board of directors of Banco or any of its affiliates. However, the applicant emphasizes that in no case will such a relationship involve control of the Plan sponsor or the Plan by Banco or its affiliates as that term is defined in section IV(b) of the exemption proposed herein.

4. Fund-I was organized in 1982 to offer tax-exempt pension and profit sharing trusts a vehicle whereby they could make mortgage loan investments and related equity participations in diversified parcels of improved real property. Fund-I is to have an existence of 18 years, unless the Trustees vote to terminate it earlier. The transferability of Units of Fund-I is prohibited and Units are only intended to be considered for long-term investment. The applicant believes that mortgage loans with equity participations will provide Plans with a greater return than currently obtainable from investments in equity and debt securities. Equity participations may include the right to receive a percentage of the rents or the right to share in a percentage of the sale proceeds when the subject property is sold. Another type of equity participation would be the right to convert from a secured creditor status to fee ownership of the property.

5. The properties in which Fund-I would invest would be leased to various tenants, including employers or their affiliates whose plans have invested in Fund-I, a person providing services to such a Plan, or a fiduciary of such a Plan. While any given lease typically would account for a small percentage of rental income to Fund-I, and the participation of a party in interest is proportionately small, it would be necessary without an exemption to examine every prospective tenant or property in which Fund-I has as interest to ascertain whether thatr tenant is a party in interest with respect to any participating Plan. The applicant represents that the end result of the failure to grant the proposed exemption could be the denial of leases to qualified tenants or the failure to purchase valuable properties, with a commensurate injury to the Plans investing in Fund-I.

6. BREA'S duties as investment adviser to Fund-I will include: (a) Making the investment decisions with regard to the acquisition of mortgage notes and related equity participations; (b) servicing the mortgage notes; (c) monitoring the performance of the fee owner; (d) making decisions regarding the exercising of equity participation rights; and (e) making decisions with respect to remedies upon any default regarding mortgage notes. During calendar year 1982, the only fee paid by Fund-I to BREA will be 75 percent of any commitment fees paid to Fund-I by mortgage loan applicants to whom Fund-I has issued loan commitments. Generally the commitment fees paid to Fund-I will be 1 pecent of the approved mortgage indebtedness. Therefore the fees earned by BREA are expected to be 75 basis points with Fund-I retaining the remaining 25 basis points. In all events BREA's fee is capped at 75 basis points and therefore if the commitment fee paid to Fund-I is greater than 1 pecent, Fund-I will retain more than 25 basis points. Beginning in 1983, BREA will also receive an annual investment management fee of 1 percent of the net asset value of Fund-I. For this purpose, mortgage notes will be valued at book value and the equity participations will be valued at their fair market value determined by an independent appraiser. Short-term cash equivalent funds held by Fund-I pending investment in mortgage notes are not included for purposes of fee calculation.

7. Fund-I will consider a number of factors prior to making a mortgage loan commitment, including the following: creditworthiness of the borrower; feasibility studies; construction cost estimates; leasing commitments; pro forma profit and loss statements; and comparable properties. Permanent lenders usually rely on loan originators to develop and supply the above information. The commercial loan division of BMC (Commercial Loan Division) provides loan origination services and BREA proposes to enter into an agreement (the Servicing Agreement) with BMC under which the Commercial Loan Division will act as a loan originator with respect to loan applications submitted to permanent lenders for Fund-I. The Servicing Agreement will be non-exclusive and will permit unrelated parties to act as loan originators for Fund-I. The loan originator's fee, which is paid by the mortgage loan applicant, is usually 1% of the mortgage loan. Because of its significant market position in certain areas of the country, it is estimated that approximately one-half of Fund-I investments could be originated by the Commercial Loan Division.

8. Fund-I will be regularly audited by the national accounting firm of Peat, Marwick, Mitchell & Co. (PMM). PMM will examine the history of ownership in property with respect to which Fund-I obtains a security interest or an equity participation to ensure that neither BREA nor any of its affiliates has a direct or indirect interest at the time of acquisition. PMM will also perform tests to ensure that, except as specifically provided in the exemption, lease transactions are not entered into with parties related to BREA, its affiliates, or any investor in Fund-I. PMM will recompute the investment adviser's fee to ensure compliance with the investment management agreement. PMM will perform reasonableness tests on loan origination fees paid to the Commercial Loan Division of BMC. On a test basis PMM will review certified financial statements received from the fee owners of property in which Fund-I has equity participations to ensure that Fund-I has received all amounts due to it under its equity participations. On a test basis PMM will confirm aspects of mortgage loans made by Fund-I, including a verification that no "side agreements" exist. PMM will maintain documentation of significant investor related matters. As part of obtaining this documentation, PMM will review BREA's files for completeness. Finally, PMM will perform tests in general to ensure compliance with the provisions of the Act.

9. At least annually each investor shall receive from the Trustees a balance sheet, profit and loss statement, and statement of change in financial position of Fund-I as prepared by an independent certified public account. Investors will be also receive a statement of source and application of funds and statement of fees paid to BREA and the Commercial Loan Division. Furthermore, the Trustees will provide whatever other information is reasonably requested by the investors. Appraisals of the equity participations will be made each year by independent appraisers. These appraisals will be included in the above reports.

10. The applicant represents that it can satisfy the conditions for the subject transactions as exempted for bank collective investment funds in PTE 80–15, except that the collective investment funds here are privately maintained. The applicant further represents that as a registered investment adviser under the Investment Advisers Act of 1940, certain, but not all of BREA's activities and operations are regulated by the Securities and Exchange Commission and are subject to periodic examination.

11. In summary, the applicant represents that the subject transactions

meet the criteria of section 408(a) of the Act because: (a) each of the protections provided to investing plans and their participants and beneficiaries by PTE 80–51 will be provided in the subject transactions, except that Fund-I is privately maintained; (b) the decision to invest in Fund-I will be made by fiduciaries of large Plans on the basis of a detailed private placement memorandum supplied to them prior to investment; (c) such fiduciaries will be unrelated to BREA or any of its affiliates; (d) PMM will audit the operation of Fund-I on an annual basis; (e) investing Plans will be provided with certain investment performance information; and (f) all services to be performed by BREA and the Commercial Loan Division will be subject to and controlled by agreements the terms of which will be disclosed to investors prior to investment.

Notice to Interested Persons

On or before August 2, 1982, BREA and its affiliates will send by mail a copy of such notice to the appropriate fiduciary of each Plan that has subscribed to invest in Fund-I. The notice will also inform interested persons of their right to comment on and request a hearing regarding the proposed exemption within the time period set forth in the notice of proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; not does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the following exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Section I—Exemption for Certain Transactions Involving Fund-I

(a) The restrictions of sections 406(a), 406(b) (1) and (2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the transactions described below if the applicable conditions set forth in Section III are met.

(1) *Transactions Between Parties In Interest and the Fund: General.* Any transaction between Fund-I and a party in interest with respect to a Plan that has invested in Fund-I, or any acquisition or holding by Fund-I of employer securities or employer real property, if the party in interest is not BREA or one of its affiliates; or the acquisition or sale of Units to a Plan if a Banco bank has discretionary authority or control over Plan assets, provided that a fiduciary who is independent of BREA and its affiliates expressly approves such acquisitions or sale, if at the time of any such transaction, acquisition, holding or solely the interest of the Plan together with the interests of any other Plans maintained by the same employer or employee organization in Fund-I does not exceed 5 percent of the total of all assets in Fund-I.

(2) *Special Transactions Not Meeting the Criteria of Section 1(a)(1) Between Employers of Employees Covered by a Multiple Employer Plan and Fund-I.* Any transaction between Fund-I and an employer (or an affiliate of an employer) of employees covered by a multiple employer plan that has invested in Fund-I, or any acquisition or holding by Fund-I of employer real property, if at the time of the transaction, acquisition or holding—

(A) The interest of the multiple employer plan in Fund-I does not exceed 10 percent of the total assets in Fund-I, and the employer is not a "substantial employer" with respect to the plan (within the meaning of section 4001(a)(2) of the Act), or

(B) The interest of the multiple employer plan in Fund-I exceeds 10 percent of the total assets in Fund-I, but the employer is not a "substantial employer" with respect to the plan and would not be a "substantial employer" within the meaning of section 4001(a)(2) of the Act, if "5 percent" were substituted for "10 percent" in that definition.

(3) *Acquisitions, Sales of Holdings or Employer Securities and Employer Real Property.* (A) Except as provided in subsection (B) of this section (3), any acquisition, sale or holding of employer securities or employer real property by Fund-I which does not meet the requirements of paragraphs (a)(1) and (a)(2) of Section I, if no commission is paid of BREA or to the employer or to any affiliate to BREA or the employer in connection with the acquisition, sale or lease of employer real property, and

(i) In the case of employer real property—

(aa) Each parcel of employer real property and the improvements thereon held by Fund-I are suitable (or adaptable without excessive cost) for use by different tenants, and

(bb) The property of Fund-I that is leased or held for lease to others, in the aggregate, is dispersed geographically.

(ii) In the case of employer securities—

(aa) Neither BREA nor any of its affiliates is an affiliate of the issuer of the security, and

(bb) If the security is an obligation of the issuer, either

1. Fund-I owns the obligation at the time the Plan acquires an interest in Fund-I, and interests in Fund-I are

offered and redeemed in accordance with valuation procedures of Fund-I applied on a uniform or consistent basis, or

2. Immediately after acquisition of the obligation: (a) Not more than 25 percent of the aggregate amount of obligations issued in the issue and outstanding at the time of acquisition is held by such Plan, and (b) in the case of an obligation that is a restricted security within the meaning of Rule 144 under the Securities Act of 1933, at least 50 percent of the aggregate amount of obligations issued in the issue and outstanding at the time of acquisition is held by persons independent of the issuer. BREA, its affiliates and any collective investment fund maintained by BREA or its affiliates shall be considered to be persons independent of the issuer if BREA is not an affiliate of the issuer.

(B) In the case of a Plan that is not an eligible individual account plan (as defined in section 407(d)(3) of the Act), the exemption provided in subsection (A) of this section (3) shall be available only if, immediately after the acquisition of the securities or real property, the aggregate fair market value of employer securities and employer real property with respect to which BREA or its affiliates has investment discretion does not exceed 10 percent of the fair market value of all the assets of the plan with respect to which BREA or it affiliates has investment discretion.

(C) For the purposes of the exemption contained in subsection (a) of this section (3), the term "employer securities" shall include securities issued by, and the term "employer real property" shall include real property leased to a person who is a party in interest with respect to a participating Plan by reason of a relationship to the employer described in Section 3(14) (E), (G), (H) or (I) of the Act.

(b) The restrictions of section 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975(c)(1) (A) through (E) shall not apply to transactions described below, if the conditions of Section III are met.

(1) *Transactions with Persons Who are Parties In Interest With Respect to a Participating Plan Solely by Virtue of Being Certain Service Providers or Certain Affiliates of Service Providers.* Any transactions between Fund-I and a person who is a party in interest with respect to a Plan if—

(A) The person is a party in interest (including a fiduciary) solely by reason of providing services to the Plan, or solely by reason of a relationship to a service provided described in section 3(14) (F), (G), (H) or (I) of the Act, or both, and the person neither exercised nor had any discretionary authority, control, responsibility or influence with respect to the investment of the Plan's assets in, or held by, Fund-I, and

(B) The person is not an affiliate of BREA.

(2) *Certain Leases and Goods.* The furnishing of goods to Fund-I by a party in interest with respect to a Plan or the leasing of real property owned by Fund-I to such party in interest and the incidental furnishing of goods to such party in interest by Fund-I, if—

(A) In the case of goods, they are furnished to or by Fund-I in connection with real property owned by Fund-I.

(B) The party in interest is not BREA or any affiliate of BREA, and

(C) The amount involved in the furnishing of goods or leasing of real property in any calendar year (including the amount under any other lease or arrangement for the furnishing of goods in connection with the real property investments of Fund-I with the same party in interest, or any affiliate thereof) does not exceed the greater of $25,000 of 0.5 percent of the fair market value of the assets of Fund-I on the most recent valuation date of Fund-I prior to the transaction.

(D) The restrictions of section 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975(c)(1) (A) through (D) shall not apply to transactions described below, if the conditions of section III are met.

(3) *Loan Origination Services.* Loan origination services provided by the Commercial Loan Division with respect to the investments made by Fund-I, provided that the terms and conditions of such services are embodied in the Servicing Agreement.

(4) *Transactions Involving Places of Public Accommodation.* The furnishing of services, facilities or any goods incidental to such services and facilities by a place of public accommodation in which Fund-I has an investment to a party in interest with respect to a Plan, if the services, facilities and incidental goods are furnished on a comparable basis to the general public.

Section II—Excess Holding Exemption for the Plans

(a) The restrictions of sections 406(a), 406(b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to a Plan with respect to any acquisition or holding of qualifying employer securities or qualifying employer real property (other than through Fund-I), if—

(1) The acquisition or holding contravenes the restrictions of sections 406(1)(E), 406(a)(2) and 407(a) of the Act solely by reason of being aggregated with employer securities or employer real property held by Fund-I,

(2) The requirements of either paragraph (a)(1) or paragraph (a)(2) of Section I of this exemption are met, and

(3) The applicable conditions set forth in Section III of this exemption are met.

Section III—General Conditions

(a) At the time the transaction is entered into, and at the time of any subsequent renewal thereof that requires the consent of BREA or its affiliates, the terms of the transaction are not less favorable to Fund-I than the terms generally available in arms'-length transactions between unrelated parties.

(b) BREA or its affiliates maintains for a period of six years from the date of the transaction the records necessary to enable the persons described in paragraph (c) of this Section to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of BREA or its affiliates, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest shall be subject to the civil penalty that may be assessed under section 501(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by paragraph (c) below.

(c)(1) Except as provided in section 2 of this paragraph (c) and notwithstanding any provisions of sections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (b) of this Section are unconditionally available at their customary location for examination during normal business hours by:

(A) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(B) Any fiduciary of a Plan who has authority to acquire or dispose of the interests in Fund-I of the Plan or any duly authorized employee or representative of such fiduciary,

(C) Any contributing employer to any Plan or any duly authorized employee or representative of such employer, and

(D) Any participant or beneficiary of any Plan, or any duly authorized employee or representative of such participant or beneficiary.

(2) None of the persons described in subparagraphs (B) through (D) of this

paragraph (c) shall be authorized to examine trade secrets of BREA or its affiliates, or commercial or financial information which is privileged or confidential.

Section IV—Definitions and General Rules

(a) An "affiliate" of a person includes—

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control, with the person,

(2) Any officer, director, employee, relative or partner in any such person, and

(3) Any corporation or partnership of which such person is an officer, director, partner or employee.

(b) The term "control" means the power to exercise a controlling influence over the management of policies of a person other than an individual.

(c) The term "relative" means a "relative" as that term is defined in section 3(15) of the Act (or a "member of the family" as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or sister.

(d) The term "multiple employer plan" means an employee benefit plan that satisfies at least the requirements of section 3(37)(A) (i), (ii) and (v) of the Act and section 414(f)(1) (A), (B) and (E) of the Code.

(e) The time as of which any transaction, acquisition or holding occurs is the date upon which the transaction is entered into, the acquisition is made or the holding commences. In addition, in the case of a transaction that is continuing, the transaction shall be deemed to occur until it is terminated. If any transaction is entered into, or an acquisition is made, on or after the date of granting of this exemption, or a renewal that requires the consent of Fund-I occurs on or after the date of granting of this exemption, and the requirements of this exemption are satisfied at the time the transactions are entered into or renewed, respectively, or at the time the acquisition is made, the requirements will continue to be satisfied thereafter with respect to the transaction or acquisition and the exemption shall apply thereafter to the continued holding of the property so acquired.

Notwithstanding the foregoing, this exemption shall cease to apply to a holding exempt by virtue of Section I(a)(1) at such time as the interest of the Plan exceeds the percentage interest limitation of Section I(a)(1), unless no portion of such excess results from an increase in the assets allocated to Fund-I by the Plan. For this purpose, assets allocated do not include the reinvestment of Fund-I earnings. Nothing in this paragraph shall be construed as exempting a transaction entered into by Fund-I which becomes a transaction described in Section 406 of the Act or Section 4975 of the Code while the transaction is continuing unless the conditions of the exemption were met either at the time the transaction was entered into or at the time the transaction would have become prohibited but for this exemption.

(f) Each Plan shall be considered to own the same proportionate undivided interest in each asset of Fund-I as its proportionate interest in the total assets of Fund-I as calculated on the most recent preceding valuation date of Fund-I.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 15th day of July 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-19968 Filed 7-22-82; 8:45 am]

BILLING CODE 4510-20-M

[Application No. D-3182]

Proposed Exemption for Certain Transactions Involving the Elsinore Corp.; Profit Sharing and Retirement Investment Trust, Located in Las Vegas, Nevada

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed sale by the Elsinore Corporation Profit Sharing and Retirement Trust (the Trust) of its interest in the John Hancock Mutual Life Insurance Company Group Annuity Contract No. 2776 GAC (the Annuity Contract), to Elsinore Corporation (the Employer), the sponsor of the Plan. The proposed exemption, if granted, would affect the Trust and its beneficiaries, the Employer and the John Hancock Mutual Life Insurance Company.

DATED: Written comments and requests for a public hearing must be received by the Department on or before September 1, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-3182. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Katherine D. Lewis of the Department, telephone (202) 523-8972. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by counsel for the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Trust consists of a defined contribution profit sharing plan (the Plan). On December 31, 1981 the Plan had 130 participants and net assets of approximately $793,261. The trustee (the Trustee) of the Plan is the Wells Fargo

Bank, National Association. Investment decisions for the Plan are made by an administrative committee (the Committee) comprised of Messrs. Philip J. Lombardi and Patrick Foley, who are independent of the Employer, and Mr. Jay A. Pritzker, who is a shareholder of the Employer. The Employer is a publicly held Nevada corporation engaged in the ownership and management of hotels and gambling casinos.

2. On October 22, 1981, the board of directors of the Employer determined that the Plan should be terminated. The Trustee was charged with the orderly liquidation of Plan assets. Among the Plan assets to be liquidated is the Annuity Contract. The Annuity Contract is currently valued at $406,039.46, based on its normal expiration date, and comprises approximately 51 percent of the Plan assets. Provisions in the Annuity Contract state that if it is terminated prior to its normal expiration date, which is June 30, 1986, an asset liquidation adjustment must be made. The asset liquidation charge is determined by John Hancock Mutual Life Insurance Company (John Hancock), and is to be equal to the amount which John Hancock, in accordance with uniform procedures applicable to all contracts of this class, determines would be required to cover investment losses to John Hancock resulting from making payment of the amount to be transferred on that date. On October 30, 1981, the Trustee was advised by John Hancock that the asset liquidation adjustment was estimated to be 41.54 percent, which would reduce the value of the Annuity Contract to approximately $237,370. The actual asset liquidation adjustment would be determined fifteen days prior to the actual transfer date.

3. The Committee states that if the Annuity Contract is terminated as described above, the Plan participants will suffer a 41.54 percent decline in the value of their interests in the Annuity Contract. In order to mitigate this loss, an exemption is requested to permit the Plan to sell the Annuity Contract to the Employer for $397,248, which was the principal balance remaining under the Annuity Contract on January 22, 1982, less any amounts received by the Plan from John Hancock under the Annuity Contract between January 22, 1982 and the date of sale. The Employer represents that this amount will be the fair market value of the Annuity Contract on the date of sale. Thus, instead of the approximately $237,370 the participants would receive if the Annuity Contract was terminated by John Hancock, approximately $397,248 will be available to pay benefits to Plan participants. The transaction will be for cash and no commissions will be paid. Upon sale of the Annuity Contract by the Plan, the rights due under the Annuity Contract will be assigned by John Hancock to the Employer and the cash proceeds of the sale will be distributed by the Trustee to the Plan participants.

4. The Committee represents that this transaction is in the best interest of the Plan's participants and beneficiaries in that the account balances of the participants will be made whole with regard to their respective interests in the Annuity Contract, whereas, if the exemption is denied the Plan's participants and beneficiaries will suffer significant losses.

5. In summary, it is represented that the proposed transaction satisifies the statutory criteria of section 408(a) due to the following:

(a) This is a one-time transaction for cash;

(b) No commissions will be paid with respect to the sale;

(c) The Plan participants will receive the outstanding principal balance due under the Annuity Contract, whereas, if the exemption is denied, they will suffer considerable losses; and

(d) The Committee, which makes investment decisions for the Plan, has determined that the proposed sale is in the best interests of the Plan's participants and beneficiaries.

Notice To Interested Persons

Notice of the pending exemption will be provided to all interested persons, including all participants and beneficiaries of the Plan. The notice will include a copy of the notice of pendency published in the **Federal Register** and will inform each recipient of his right to comment on or request a hearing regarding the pending exemption. The notice will be provided within 10 days of the publication in the **Federal Register** and will be delivered by hand or by mail to participants and beneficiaries.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduicary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a) (1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code; (3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan, and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A)

through (E) of the Code shall not apply to the proposed sale by the Trust to the Employer of the Annuity Contract for $397,248, less any amounts received by the Plan from John Hancock under the Annuity Contract between January 22, 1982 and the date of sale, provided that such amount is not less than the fair market value of the Annuity Contract on the date of sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 15th day of July 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-19970 Filed 7-22-82; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-3453 and D-3454]

Proposed Exemption for Certain Transactions Involving the LIL Nursery Distributors, Inc.; Money Purchase Pension Plan and the LIL Nursery Distributors, Inc. Employees Profit Sharing Plan, Located in Worthington, Ohio

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This documents containes a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt (1) the sale of an unimproved parcel of real property by the LIL Nursery Distributors, Inc. Money Purchase Plan (Money Purchase Plan) and the LIL Nursery Distributors, Inc. Employees Profit Sharing Plan (Profit Sharing Plan; collectively, the Plans) to Mr. Lee W. Larson (Mr. Larson), a disqualified person with respect to the Plans; and (2) other transactions to be executed in accordance with the terms of the sale. Because Mr. Larson is the sole owner of LIL Nursery Distributors, Inc. (the Employer), the sponsor of the Plans, and is the only participant in the Plans, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code. The proposed exemption, if granted, would affect the Plans, Mr. Larson and any other persons participating in the proposed transactions.

DATE: Written comments and requests for a public hearing must be received by the Department on or before August 25, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D-3453 and D-3454. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plans, pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representation of the applicant.

1. Mr. Larson is the only participant in the Plans and is the trustee of the Plans. The Employer is a corporation engaged in the business of selling plants, trees and other nursery products.

2. On September 24, 1980, the Plans together purchased an unimproved parcel of real property (the Property) from an unrelated party for $35,000. The Property contains 21,341 square feet and is located in section 2 of the Northbridge Hamlet, Columbus, Ohio. The Money Purchase Plan has an undivided ⅞ interest, and the Profit Sharing Plan has an undivided ⅛ interest in the Property. The Property was purchased by the Plans for investment purposes and has not generated any income since purchase.

3. The applicant requests an exemption to allow the Plans to sell the Property to Mr. Larson at its appraised fair market value. Mr. James L. Murr, and M.A.I. appraiser with James Petropoulous and Company located in Columbus, Ohio, determined that, as of April 9, 1982, the Property had a fair market value of $42,500. The terms of the sale will provide that Mr. Larson pay a 10% cash downpayment and execute, with his wife, a cognovit promissory note (the Note) payable in 120 consecutive monthly installments of principal and interest commencing from the date of closing. Interest is payable at 2% above the prime lending rate in the Central Ohio area as of the date of closing. The Money Purchase Plan and the Profit Sharing Plan will, respectively have a ⅞ interest and ⅛ interest in the Note, and will receive their proportionate shares of the downpayment. The Plans will not incur any commissions with respect to the sale.

4. The Note will be secured by a duly recorded first mortgage (the Mortgage) on the Property. Mr. Larson will at all times maintain appropriate insurance on the Property throughout the term of the Mortgage. The present net worth of Mr. Larson and his wife is in excess of $200,000. The Note will represent less than 25% of the combined assets of the Plans.

5. Upon the granting of this exemption and prior to the closing of the sale, the Employer will appoint Bank One Trust Company, N.A. (the Bank), located in Columbus, Ohio, as a trustee to the Plans. The Bank will be empowered to preemptorily act with respect to all matters relating to the sale of the Property and will completely monitor the terms and conditions of the Mortgage and the Note. The Bank is independent of Mr. Larson and the Employer.

6. Mr. Larson represents that if any other person becomes a participant in the Money Purchase Plan, such Plan's interest in the Mortgage and the Note will be segregated and held solely for the account of Mr. Larson. The Profit Sharing Plan is currently frozen and no new participants can be added.

7. Ms. Denise Demetry, an assistant manager of the downtown office of County Savings Association (the

Association) located in Columbus, Ohio, has reviewed the terms of the proposed transactions and represents that such terms are at least equal to, if not more favorable than, the terms which the Association would require before undertaking such a mortgage transaction.

8. In summary, the applicant represents that the proposed transactions satisfy the statutory criteria of section 4975(c)(2) of the Code because (a) the only participant in the Plans who will be affected by the proposed transactions is Mr. Larson and he requests that the transactions be consummated; (b) the Property will be sold at its appraised fair marked value as determined by an independent appraiser, Mr. Murr; and (c) the Bank will preemptorily act with regard to the execution of the sale and will monitor the terms and conditions of the Mortgage and the Note.

Notice to Interested Persons

Because Mr. Larson is the only participant in the Plan there is no need to distribute notice to interested persons.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the sale of the Property by the Plans to Mr. Larson for $42,500, and (2) the extension of credit by the Plans to Mr. Larson under the Note and Mortgage, provided that the terms of the transactions are not less favorable to the Plans than those obtainable in similar transactions with an unrelated third party.

The proposed exemption, if granted, will be subject to the expess condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 16th day of July 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-19967 Filed 7-22-82; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-2909, D-2919 and D-2913]

Proposed Exemption for Certain Transactions Involving MIH Pension Plan and Trust; MIH Profit Sharing Plan and MIH Employees Benefit Trust, Located in New York, New York

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transactions restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the International Revenue Code of 1954 (the Code). The proposed exemption would exempt a loan by MIH Pension Plan and Trust (the Plans) to Marine & Industrial Hydraulics, Inc. (the Employer), a party in interest with respect to the Plans, for the lesser of $160,000 or one-third of the Plans' assets and to the personal guaranteed of repayment by John J. and Kathleen Wright. The proposed exemption, if granted would affect the participants and beneficiaries of the Plans, and the Employer.

DATE: Written comments and requests for a public hearing must be received by the Department on or before September 1, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D–2909, D–2912 and D–2913. The application MIH Profit Sharing Plan and MIH Employees Benefit Trust for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, telephone (202) 523–8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a) and 406 (b)((1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by legal counsel for the Plans, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedures 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue

exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plans each have four participants and total assets as of May 31, 1981 of $382,012. The Plans' Trustees are John J. and Kathleen Wright, both of whom are officers of the Employer.

2. The Plans propose to loan the Employer the lesser of $160,000 or one third of each Plans' assets, received in return a promissory note collateralized with a first mortgage on a parcel of unencumbered real property (the property) owned by the Plans' Trustees. The Property, which is improved by a building, is located at 329 Center Avenue, Mamaroneck, New York.

3. The loan is to be repaid in forty equal quarterly installments of principal plus interest. The interest rate shall be set in accordance with the rate that is normally charged in Westchester County, New York by lenders making similar loans, as determined by the independent fiduciary (see below), but never less than 15% per annum. Such interest rate will be adjusted annually by the independent fiduciary.

4. The Property has been appraised by Joseph A. Spadaro, an independent real estate broker, on November 20, 1981 to have a current fair market value of $375,000. Thus, the loan represents less than 43% of the value of the improved real property that will secure it. The Employer represents that at all times the value of the collateral securing the loan will equal at least 150% of the outstanding balance of the loan. During the life of the loan, the Employer will keep the collateral adequately insured against fire or other loss at its expense, with the Plans named as beneficiaries. The loan will also be secured by the personal guarantees of the Plans' Trustees, whose net worth as of December 31, 1981 was approximately $1,000,000. The Property was purchased by the Plans' Trustees on January 29, 1981, from an unrelated third party for $160,000. The applicants represent that the purchase of the Property was a bargain purchase.

5. The Plans' Trustees have appointed Edward S. Saviano of Harrison, New York, an attorney, to serve as independent fiduciary for the proposed loan. Mr. Saviano has no other relationship with the Employer, any officer or director of the Employer, or the Plans. The fiduciary will review the Plans' portfolio of assets prior to execution of the loan transaction to assure that the proposed loan is an appropriate investment for the Plans. The fiduciary will certify that the terms of the loan are equal to or better than terms the Plans could receive from unrelated parties and that upon completion of the loan, the Plans' assets will be sufficiently diversified. The fiduciary will make this determination immediately prior to the consummation of the transaction. The fiduciary will be empowered and directed to enforce the terms of the loan agreement, including making demand for timely payment, bringing suit or other appropriate process against the Employer and the Trustees in the event of default, keeping accurate records, specifically including whether the value of the collateral securing the loan remains equal to at least 150 percent of the outstanding balance of the loan, and whether the value of the loan does not exceed the lesser of $160,000 or one-third the value of each Plans' assets. The fiduciary will be authorized to receive such information from the Plans and the Employer as may be reasonably necessary to fulfill his responsibilities.

6. In summary, the applicant represents that the proposed transactions meet the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The loan is secured by collateral with an appraised value in excess of twice the amount of the loan and by the personal guarantee of the Trustees;

(b) The Employer will insure the collateral and ensure that the collateral for the loan equals at all times at least 150 percent of the outstanding balance of the loan;

(c) The loan will be administered by an independent fiduciary; and

(d) Before engaging in the transaction an independent fiduciary must determine that the transaction is appropriate for the Plans and is in the best interests of the Plans' participants and beneficiaries.

Notice To Interested Persons

On or before August 2, 1982, all participants and beneficiaries of the Plans will receive by personal delivery or first class mail, a copy of the notice as published in the **Federal Register**. Such notice will contain a statement, informing interested persons of their right to comment and/or request a hearing within the period specified in the notice.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments

will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to a loan by the Plans to the Employer for the lesser of $160,000 or one-third of each Plans' assets and to the guarantee of repayment by the Plans' Trustees, based on the terms and conditions set forth above, provided that the terms of the transactions are not less favorable to the Plans than those obtainable in arm's length transactions with an unrelated party at the time of consummation of the transactions.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 16th day of July 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–19969 Filed 7–22–82; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–3165]

Proposed Exemption for Certain Transactions Involving Woollen Associates, Inc. Profit Sharing Plan, Located in Indianapolis, Indiana

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) The loan (the Loan) of $72,000 by the Woollen Associates, Inc. Profit Sharing Plan (the Plan) to the Majestic Partnership (the Partnership), a party in interest with respect to the Plan; and (2) the guarantee of repayment of the Loan by the partners (the Partners) of the Partnership. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the Partnership and Woollen Associates, Inc. (the Employer), the Plan sponsor.

DATE: Written comments and requests for a public hearing must be received by the Department on or before August 25, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. D–3165. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523–8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan that had total assets of $206,822 and approximately 14 participants as of April 30, 1982. The investment decisions are made by the trustees (the Trustees), who are Ida Showalter, an employee and 3.125% capital interest owner of the Partnership and Evans Woollen, an employee, 51% shareholder of the Employer and 67.4% capital interest owner of the Partnership.

2. The applicant is requesting an exemption which would permit the Plan to make the Loan to the Partnership. The proceeds from the Loan would be used to assist the Partnership in financing the cost of rehabilitation and restoration of the Majestic building (the Building), a commercial office building located at Pennsylvania Street and East Maryland Street in Indianapolis, Indiana. the Building is owned by the Partnership.

3. The Loan will have: (a) a floating interest rate of 1½% over the Indiana National Bank of Indianapolis, (the Bank) prime rate adjusted semi-annually, with a floor of 13%; and (b) a term of five years. Repayments will be made in quarterly installments to cover principal and interest. It is represented that the Loan would represent approximately 35% of the assets of the Plan as of April 30, 1982.

4. The Loan will be secured by a second mortgage (the Second Mortgage) on the Building which is valued at $2,800,000 by an appraisal and is subject to a first mortgage of $2,300,000 held by the Bank. The appraisal was performed by Donald S. Rogers, MAI, SREA of D. S. Rogers and Associates, Indianapolis, Indiana, an independent appraiser, on July 21, 1981. The Second Mortgage will be filed with the Recorder's office of Marion County, Indiana recording the Plan's secured interest in the Building. It is represented that the Plan will be added as a loss payee on the insurance policy (the Policy) insuring the Plan's secured interest in the Building against fire, casualty losses, etc. throughout the term of the Loan upon the execution of the Second Mortgage. The Policy will reflect a total coverage of $2,800,000. In addition, the Partnership will incur all costs necessary to maintain the Building, including, but not limited to, paying all taxes, assessments, insurance premiums, repairs and rent.

5. Peoples Bank and Trust Company (Peoples) of Indianapolis, Indiana has been appointed by the Plan as an independent fiduciary with respect to the transaction. Peoples is independent of the Employer, the Partneship and the Plan. It is represented that after reviewing the proposed transaction, Peoples believes that the transaction is in the best interests of the Plan participants and beneficiaries and is protective of their rights. Peoples will monitor all terms and conditions of the Loan and will enforce collection. Peoples will also require the Partnership to provide additional collateral when in the judgement of Peoples, the market value of the Plan's secured interest in the Building is less than 150% of the remaining balance of the Loan. In such an instance, Peoples will be provided with appraisals of additional collateral, performed by an independent appraiser, the cost of which will be borne by the Partnership. Additionally, it is represented that if the Partnership defaults on the Loan, the Partners, Evans Woollen, L. N. Molzan, L. R. O'Connor, T. J. Weigel, E. Sueberkrop, S. D. Hilleary and I. Showalter, will personally guarantee repayment within 30 days of default by the Partnership. It is represented that the collective net worth of the Partners is in excess of two million dollars.

6. In summary, the applicant represents that the Loan satisfies the statutory criteria of section 408(a) of the Act because: (a) Peoples, an independent fiduciary has determined that the Loan is in the best interests of the Plan participants and beneficiaries and protective of their rights; (b) the Loan will at all times be secured by the Plan's secured interest in the Building and, if required, additional collateral so that the value of the Plan's secured interest and the additional collateral would represent at least 150% of the outstanding balance of the Loan; (c) Peoples will monitor all the terms and conditions of the Loan; and (d) in event of default, the Partners will personally guarantee repayment of the Loan.

Notice To Interest Persons

Notice of the proposed exemption will be provided to all Plan participants and beneficiaries. Such notice will either be personally delivered to such interested persons or will be mailed to such interested persons at their last known personal residence by first class mail. Such notice will contain a copy of the notice of pendency of such exemption published in the **Federal Register** and will timely inform such interested persons within 3 days of the time the notice of pendency of exemption is published in the **Federal Register** of their right to comment and their right to request a hearing within the period set forth in the notice of pendency of exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact a that transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to: (1) the Loan by the Plan to the Partnership provided that the terms and conditions of the Loan will be and remain at least favorable to the Plan as an arm's-length transaction would be with an unrelated party; and (2) the guarantee of repayment of the Loan to the Plan by the Partners should the Partnership default on the Loan.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 15th day of July 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-19971 Filed 7-22-82; 8:45 am]

BILLING CODE 4510-29-M

MERIT SYSTEMS PROTECTION BOARD

Appointment of Members to the Performance Review Board

AGENCY: Merit Systems Protection Board.

ACTION: Notice of Appointment of Members to the Performance Review Board.

SUMMARY: This notice publishes the names of Performance Review Board Members as required by 5 U.S.C. 4314(c)(4).

The following persons have been appointed to, and will serve on the Performance Review Board for Senior Executives in the U.S. Merit Systems

Protection Board: Harold Kessler, John J. McCarthy, Darrell Netherton, David C. Rector, Ernest Russell, and Evangeline Swift.

EFFECTIVE DATE: July 23, 1982.

FOR FURTHER INFORMATION CONTACT: Frederick L. Foley, Acting Director, Personnel Management Division, U.S. Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, D.C. 20419, (653–5916).

Dated: July 2, 1982.

For the Board:

Herbert E. Ellingwood,

Chairman.

[FR Doc. 82–19786 Filed 7–22–82; 8:45 am]

BILLING CODE 7400–01–M

NATIONAL LABOR RELATIONS BOARD

Appointments of Individuals To Serve as Members of Performance Review Board

5 U.S.C. 4314(c)(4) requires that the appointment of individuals to serve as members of performance review boards be published in the **Federal Register**. Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been appointed to serve as members of performance review boards in the National Labor Relations Board for the rating year begining January 1, 1981 and ending December 31, 1981.

Name and Title

Robert E. Allen—Associate General Counsel, Enforcement Litigation
William C. Baisinger—Chief Counsel to Board Member
Frederick Calatrello—Chief Counsel to Board Member
Harold J. Datz—Associate General Counsel, Advice
Joseph E. DeSio—Associate General Counsel, Operations Management
David Dunn—Chief Counsel to Board Member
John E. Higgins, Jr.—Deputy General Counsel
Mario Lauro—Executive Assistant to the Chairman
Harry Leet—Chief Counsel to Board Member
John Miller—Chief Counsel to Chairman
Eugene L. Rosenfeld—Deputy Associate General Counsel, Operations Management
Ernest Russell—Director of Administration
Berton Subrin—Director, Office of Representation Appeals
John C. Truesdale—Executive Secretary
Robert Volger—Deputy Executive Secretary
Melvin Welles—Chief Administrative Law Judge

Dated: Washington, D.C., July 16, 1982.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 82–19949 Filed 7–22–82; 8:45 am]

BILLING CODE 7545–01–M

Schedule for Awarding Senior Executive Service; Performance Awards (Bonuses)

AGENCY: National Labor Relations Board.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

FOR FURTHER INFORMATION CONTACT: Ernest Russell, Director of Administration, National Labor Relations Board, 1717 Pennsylvania Ave., NW., Washington, D.C. 20570, (202) 254–9200.

SUPPLEMENTAL INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

Schedule for Awarding Senior Executive Service Bonuses: The National Labor Relations Board intends to award Senior Executive Service bonuses for the performance rating cycle of January 1, 1981 through December 31, 1981, with payouts scheduled by September 30, 1982.

Dated: Washington, D.C., July 16, 1982.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 82–20017 Filed 7–22–82; 8:45 am]

BILLING CODE 7545–01–M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence; Diesel Generator Engine Cooling System Failures

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following recurrence of certain incidents was determined to be an abnormal occurrence using the criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950). One of the general criteria in Appendix A notes that a major degradation of essential safety-related equipment can be considered an abnormal occurrence. The following description of the incidents includes the remedial actions taken.

Date and Place—On October 23, 1981, the NRC was notified by the Commonwealth Edison Company (the licensee) concerning trips (shut downs) experienced by the Dresden Station's Unit 2/3 and Unit 3 diesel generators. The cause was attributed to insufficient cooling water flow to the diesel generator heat exchangers resulting in high engine temperature protective trips. On November 19, 1981 a similar event occurred with Unit 3 diesel generator. On December 1, 1981 the Unit 2/3 diesel generator was declared inoperable when a problem developed with Unit 2/3 diesel generator cooling water pump motor bearings. Dresden Units 2 and 3 utilize boiling water reactors and are located in Grundy County, Illinois.

Nature and Probable Consequences—Diesel generators (D/Gs) at nuclear power plants provide emergency, on-site backup AC power in the event that normal off-site sources of AC power are unavailable. Dresden Units 2 and 3 have a total of three D/Gs. "Unit 2 D/G" is dedicated to Dresden Unit 2, "Unit 3 D/G" is dedicated to Dresden Unit 3, and "Unit 2/3 D/G" is shared by Dresden Unit 2 and Unit 3. For the events described below, normal off-site sources of AC power remained available; however, the loss of both D/Gs to either plant can be considered a serious reduction in safety redundancy. For the events described below, the safety significance was enhanced since there was the potential for the simultaneous loss of all three D/Gs. The D/Gs are designed to power certain essential safety-related equipment in the event that all off-site AC power is lost.

Starting October 23, 1981, a series of inoperable D/G events occurred due to insufficient cooling water flow to the D/G heat exchangers. Subsequent investigations eventually led to the discovery of broken check valves in the discharge of the D/G Cooling Water Pump (DGCWP) for all three diesel generators (see Figure 1). The valves are horizontally mounted Crane, 8-inch, tilting disk check valves, Type 373, and have a pressure rating of 125 psi. For the last event, an indicated pressure drop was actually caused by DGCWP bearing wear; subsequent examination showed that the check valve was broken, but apparently had not caused restriction at this time. The licensee's discovery of the failed check valves which were involved in degraded flow was seriously

hampered by the lack of adequate installed pressure and flow monitoring instrumentation. In the earlier stages of the licensee's investigations, the licensee suspected such possible causes for the degraded flow as air binding in the pumps, pump runout, or blockage of the suction piping to the D/G cooling water pumps. The various events are described by date and involved D/Gs as follows:

BILLING CODE 7590-01-M

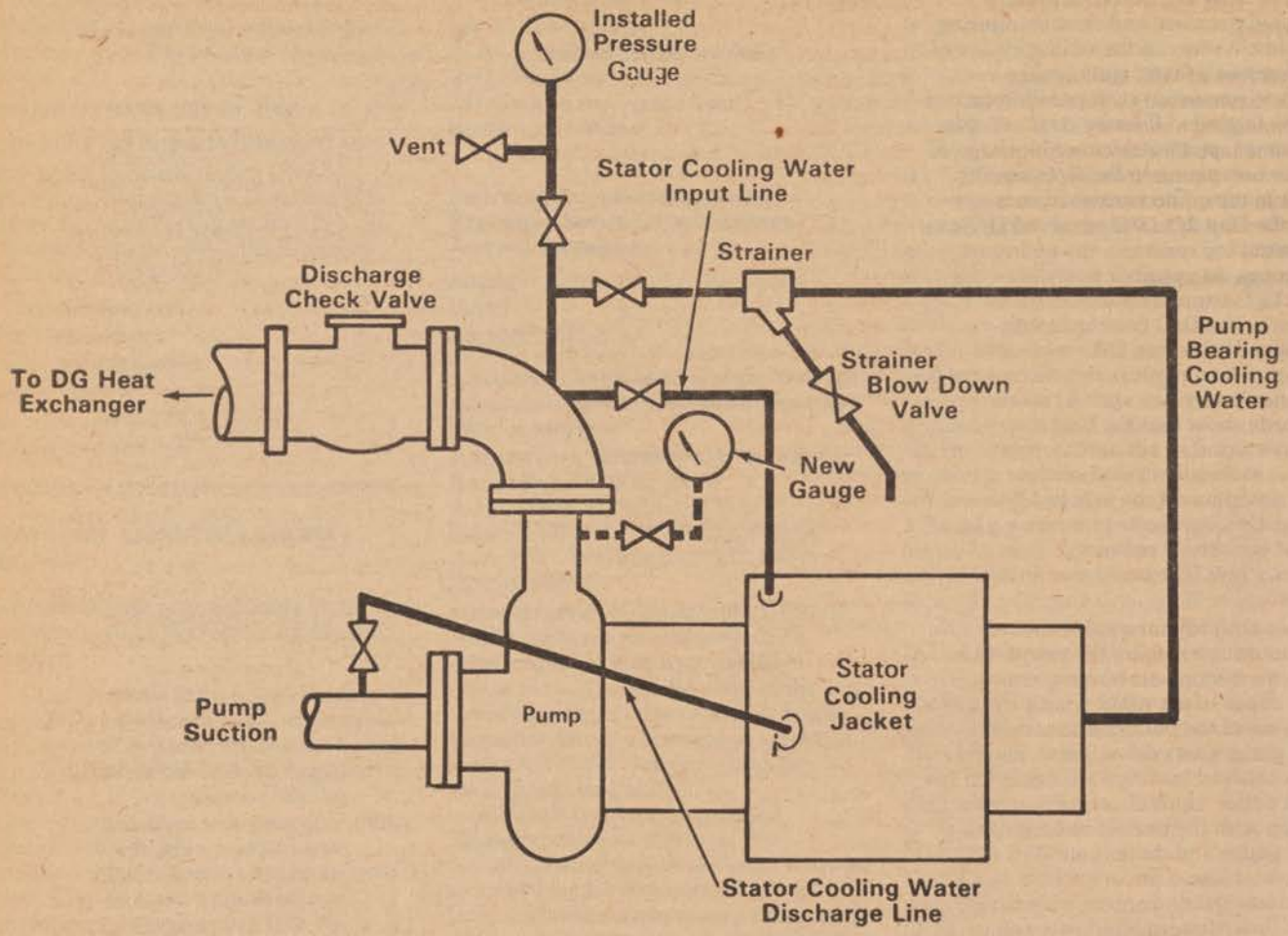

Figure 1. Diesel Generator Cooling Water Pump (DGCWP) and Discharge Check Valve

BILLING CODE 7590-01-C

October 23, 1981 Events (Unit 2/3 and Unit 3 D/Gs)

The first loss of D/G cooling water flow was experienced October 23, 1981 while conducting a monthly D/G surveillance test. One D/G was started in the normal manner from the control room while the equipment operators were in the Unit 2/3 D/G room. After taking initial log readings, the operators left the room. At approximately 0224, the Unit 2/3 D/G tripped on high engine temperture. The D/G cooling water pump tripped when the D/G tripped as per design. The operators returned to the room, followed by two shift foremen. The records show that the Unit 2/3 pump has started at about 0228. The pump was manually cycled several times to determine if the problem was in the pump. Cooling water pressure at the D/G heat exchanger remained abnormally low. The pump was then shut down.

The two shift foremen proceeded to the cribhouse to examine the pump. The foremen, suspecting air binding as a possible casue of the problem, directed the cyclying of the pump during which time the pump was vented. However, no air was observed issuing form either of two vent paths which shared a common ¾-inch tap with the pump discharge pressure gauge and motor bearing cooling water line. The foremen observed low pump discharge pressure, low vent flow, abnormally low levels of pump noise and vibrations, and abnormal warm stator cooling line. The foremen also reported that valve positions were visually checked and found to be proper. The stator cooling line is supplied by a separate tap on the pump discharge from the tap for the vent, discharge pressure gauge, and stator cooling water lines. The low pump discharge pressure was later determined to be the result of venting through the same tap as the pressure gauge.

Since the Unit 2/3 pump can be supplied power from either Unit, the power was switched from a Unit 2 source to a Unit 3 source to determine if the low cooling water flow was caused by an electrical problem. The pump was cycled again, but the heat exchanger pressure remained low. The power supply was returned to normal, and the Unit 2/3 pump was declared inoperable.

At approximately 0400, the same monthly surveillance test was commenced on the Unit 3 D/G. Indications of insufficient cooling water flow were observed in the D/G room and reported by the equipment operators, and a D/G shutdown was commenced by the control room operators at 0407. A few seconds later, the diesel tripped on high engine temperature. The Unit 3 D/G cooling water pump tripped with the diesel as per design. The Unit 3 pump was cycled several times. During this period, the pump was vented. No air was observed during venting, and the pump performance was essentially the same as for the Unit 2/3 pump. Valve line ups again were checked and found to be proper.

At about 0417, immediately after one of the pump starts, the shift foremen and the shift engineer heard considerable noise from the Unit 3 pump and observed an increase in the pump discharge pressure. In the D/G room, equipment operators observed the D/G heat exchanger pressure return to normal. A hot restart of the Unit 3 D/G was conducted at which time the pump and D/G functioned normally. Subsequently, the Unit 2/3 pump was tested, found to operate satisfactorily, and was returned to service.

November 19, 1981 Event (Unit 3 D/G)

On November 19, 1981 at approximately 0453 during the conduct of a surveillance test of Unit 3 D/G, the diesel tripped on high engine temperature. Still suspecting air binding, the licensee cycled the cooling water pump twice, during which time the pump was vented. The individual who vented the pump observed what appeared to be an air and water mixture issuing from the vent path for about five minutes.

The Unit 3 pump was declared inoperable and the Unit 3 D/G was removed from service. Dresden Unit 3 then operated under a Technical Specification limiting condition for operation while the event was further investigated.

A broken check valve on the discharge of the Unit 3 pump was found and replaced. The valve disk had broken free of the pivot arm and was lodged in the discharge side of the valve, restricting nearly all flow.

The licensee subsequently stated that the apparent air/water mixture which was observed to have issued from the discharge pressure gauge test connection valve of the Unit 3 pump was due to the atomizing effect that occurred by partially opening the valve (gate valve). This effect was also observed by NRC inspectors.

December 1, 1981 Event (Unit 2/3 D/G)

On December 1, 1981, the Unit 2/3 pump exhibited a slow decrease in indicated discharge pressure accompanied by increasing noise and vibration levels. This decrease in indicated pressure and the increase in noise and vibration levels were later determined, through visual inspection, testing, and determination of actual bearing clearance to be cause by excessive wear on the pump motor bearings. Since the discharge pressure gauge and the motor bearing cooling water supply share a common tap on the pump discharge, the gauge responded to changes in bearing cooling water flow. This same tap also provides the two vent paths for the pump: the discharge pressure gauge test connection and the blowdown line for the Y-strainer in line with the bearing cooling water supply.

It is believed that bearing wear may have been accelerated by frequent venting of the pump while it was running, as required by Confirmation of Action Letters issued by the NRC on November 20 and 25, 1981. The letters were issued in order to provide adequate assurance that on-site emergency power would be available in the event of an accident, while the licensee continued to investigate the cause of the D/G cooling water insufficiencies. The frequent venting was consistent with the licensee's belief, at the time, that a likely cause of the flow restrictions was air binding in the D/G cooling water pumps.

The Unit 2/3 pump was replaced. During the pump replacement, the licensee inspected the pump's check valve and found it to be broken. As was the case with the Unit 3 pump discharge check valve, the disk had broken free of the pivot arm. In the case of the Unit 2/3 pump, however, the disk had not lodged into the body of the valve, but was free to move in any direction within the valve body. The valve was replaced.

During the October 23 through December 1, 1981 events, the Unit 2 D/G had functioned properly. However, as part of the investigation, the Unit 2 pump discharge check valve was inspected. It was found that this valve was also broken, but at a different point. The valve hinge broke and the pivot hinge remained rigidly attached to the valve dis. This valve was also replaced.

These events were unique insofar as D/G failures are concerned because all three check valves were found to be broken during a short period of time, diagnosis of the valve failures was delayed due to inadequate and poorly designed instrumentation, both D/Gs of Dresden Unit 3 were simultaneously affected (and made inoperable) on October 23, 1981, and the potential existed for all three D/Gs to be affected simultaneously had the Unit 2 D/G check valve broken in the same manner as the other two check valves.

Cause or Causes—The D/Gs were made inoperable due to insufficient cooling water flow to the D/G heat exchangers. In most of the events, the degraded flow was caused by broken check valves in the cooling water pump discharge. In one event, even though the check valve was broken, it was not restricting flow; a decrease in discharge pressure was caused by worn bearings on the D/G cooling water pump. For the check valves for Unit 3 and Unit 2/3 D/Gs, the valve disk had broken free of the pivot arm. For Unit 2 D/G, the pivot arm remained attached to the valve disk, but was broken at the hinge to the valve body. The disks for the Unit 3 and Unit 2/3 check valves were at times in such a position that flow was restricted to the cooling water heat exchanger which caused the D/Gs to overheat. The disk for the Unit 2 check valve had apparently not located itself in a critical position to affect flow.

It is not known how long these check valves were broken before they were detected since the broken Unit 3 and Unit 2/3 check valve disks were free to move within the valve bodies and may have been that way for some time before coming to rest in a position which would restrict flow enough to cause the D/G to trip on high engine temperature.

The check valves are not routinely covered by inservice testing programs or routine surveillance to verify valve operability. These failures were not adequately characterized by operator observations and available instrument readings during diesel generator surveillance tests, but were discovered by direct inspection of the internals of the check valve. The use of a common tap for pump discharge pressure, pump bearing cooling and pump discharge line venting, and the lack of alternate methods to adequately monitor flow acutally delayed and confused the analysis of the problem.

Actions Taken To Prevent Recurrence

Licensee—Commonwealth Edison conducted an investigation of the events and plans to take or has taken the following specific actions:

1. All three discharge check valves have been replaced.

2. Instrumentation changes for the cooling water systems for all three diesels will be made. An additional pressure gauge on the discharge volute of each DGCWP has been installed (see "New Gauge" in Figure 1). When an engineering study is completed, the licensee will also provide a more accurate indication of system flow than presently exists (i.e., 0–200 psig gauges on the inlet and outlet of the heat exchangers are unreliable to indicate a small differential pressure).

3. Plant procedures will be changed to lower the probability of air leakage into the pumps or inadvertent shutting of the pump suction valves. In addition, motor bearing tolerances for the pumps, which are checked annually, will be recorded for trend analysis purposes.

4. The electrical supply and control systems have been extensively tested in an effort to determine that the DGCWPs operated properly. No negative results were fund; however, the pump motor electrical overload devices were changed so that they will reset automatically instead of manually.

5. Inasmuch as each diesel experienced a defective check valve, the licensee plans to examine and test each valve annually.

The following testing was also conducted to determine the cause of the events:

1. Systems tests to verify or deny the possibility of air binding or suction blockage. It was concluded that these were not contributing factors to the events.

2. Tests to determine normal indications.

3. A test to verify that pump runout did not occur.

4. Radiography of valves in the cooling water system.

Pump operability tests were conducted periodically during the course of the events as needed to provide additional assurance that the systems would operate properly if called upon.

NRC—An inspection team was dispatched to the site on October 23, 1981, to begin to determine the adequacy of the licensee's response to the initial event. Due to the licensee's inability to identify the cause of the event to the inspector's satisfaction, the licensee agreed to run surveillance on the pumps daily to verify operability. This team returned to the site on October 27, 1981, to gather additional information. In a telephone call between the Plant Superintendent and NRC Region III Staff on October 28, 1981, the licensee was requested to increase the intensity of their investigation into the event. On October 30, 1981, NRC Region III management was briefed by the inspectors. Since the initial data had a number of inconsistencies, it was decided that an investigator should be assigned and that sworn statements would be taken to ensure that the information received had a greater level of reliability. During the next four weeks, seven site visits were made during which eight sworn statements were taken.

The NRC issued a series of Confirmation of Action Letters to the licensee in order to provide adequate assurance that onsite emergency power would be available in the event of an accident, while the licensee continued to investigate the cause of the D/G cooling water insufficiencies. The first Confirmation of Action Letter was issued November 20, 1981. As more information became available and was analyzed, the Confirmation of Action Letter was superseded by a letter dated November 25, 1981; the latter was in turn superseded by a letter dated December 2, 1981.

After the licensee's investigations and corrective actions were considered adequate, the licensee was verbally released from the requirements of the December 2, 1981 letter on December 24, 1981.

On January 22, 1982, the NRC Region III forwarded their inspection report of the events to the licensee. No items of noncompliance with NRC requirements were identified during the course of the inspection.

On March 26, 1982, the NRC issued IE Information Notice No. 82–08 ("Check Valve Failures on Diesel Generator Engine Cooling System") to all nuclear power reactor facilities holding an operating license or construction permit to inform them of the event. Recipients are expected to review the Information Notice for possible applicability to their facilities. This Information Notice represents the generic action taken by the staff thus far.

Dated at Washington, D.C. this 19th day of July 1982.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82–19964 Filed 7–22–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–324]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR–62 issued to Carolina Power & Light Company (the licensee) which revised the Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit No. 2 (the facility) located in Brunswick County, North Carolina. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications to establish revised safety and operating limits for

operation of the facility during fuel Cycle Number 5.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated May 20, 1982, (2) supplemental submittals dated June 24, 1982 and June 28, 1982, (3) Amendment No. 71 to License No. DPR–62, and (4) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 12th day of July 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82–19961 Filed 7–22–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–237, 50–249, 50–254 and 50–265]

Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co.; Issuance of Amendments to Operating Licenses

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Provisional Operating License No. DPR–19, and Amendment No. 65 to Facility Operating License No. DPR–25, issued to Commonwealth Edison Company, which revised the Technical Specifications for operation of the Dresden Nuclear Power Station, Unit Nos. 2 and 3, located in Grundy County, Illinois. The Commission has also issued Amendment No. 80 to Facility Operating License No. DPR–29, and Amendment No. 74 to Facility Operating License No. DPR–30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The amendments authorized deletion of the surveillance requirement to demonstrate the operability of the automatic pressure relief subsystem on a daily basis when the high pressure coolant injection system (HPCI) is inoperable. The existing requirement to demonstrate the operability of the automatic pressure relief subsystem immediately upon declaring the HPCI inoperable remains unchanged. The amendments also correct several previously amended pages which contained typographical and editorial errors.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 29, 1982, and, for Dresden Unit 3 only, a letter dated May 25, 1982, (2) Amendment No. 73 to License No. DPR–19, Amendment No. 65 to License No. DPR–25, Amendment No. 80 to License No. DPR–29 and Amendment No. 74 to License No. DPR–30, 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 Morris Public Library, 604 Liberty Street, Morris, Illinois, for Dresden 2 and 3 and at the Moline Public Library, 504 17th Street, Moline, Illinois, for Quad Cities 1 and 2. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of July 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82–19962 Filed 7–22–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–361]

Southern California Edison Co., et al.; Issuance of Amendment Facility Operating License No. NPF–10

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. NPF–10, issued to Southern California Edison Company, San Diego Gas and Electric Company, The City of Riverside, California and The City of Anaheim, California (licensees) for the San Onofre Nuclear Generating Station, Unit 2 (the facility) located in San Diego County, California. This amendment is effective as of the date of issuance.

Amendment No. 4 makes the following changes to the Facility Technical Specifications:

(1) Adds three valves that were inadvertently omitted from a table of motor operated valves requiring surveillance to verify bypassing of thermal overload protection.

(2) Adds special test exceptions to allow performance of natural circulation tests.

(3) Makes various editorial and typographical corrections.

(4) Clarifies certain administrative controls.

(5) Requires sampling of the milk injestion pathway when it is available.

(6) Clarifies the containment air lock door seal pressure requirement.

Issuance of this 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 amendment.

Prior public notice of this amendment was not required since the amendment

does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Southern California Edison Company's letter dated May 14, 1982, (2) Amendment No. 4 to Facility Operating License No. NPF-10, (3) the Commission's related safety Evaluation, and (4) Supplement No. 6 to the Safety Evaluation Report.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the San Clemente Library, 242 Avenida Del Mar, San Clemente, California 02672. 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 16th day of July 1982.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 82-19963 Filed 7-22-82; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

Notice of Visits to Postal Facilities

July 19, 1982.

Notice is hereby given that members of the Commission advisory staff have made or will make the following visits to postal facilities:

July 13 Sectional Center Facility, Merrifield, VA
July 15 Bulk Mail Center, Largo, MD
July 20 General Post Office, Washington, D.C.
July 22 Amissville (VA) Post Office
July 28 20th Street Station, Washington, D.C.
July 30 Manassas (VA) Post Office

The purpose of the visits is to acquire a general knowledge of postal operations.

A report of the visits will be on file in the Commission's docket room.

David F. Harris,

Secretary.

[FR Doc. 82-20021 Filed 7-22-82; 8:45 am]

BILLING CODE 7715-01-M

Decrease in Rates for Preferred-Rate Mailers Caused by Increase in Congressional Subsidy

AGENCY: Postal Service.

ACTION: Notice of decreases in preferred postage rates.

SUMMARY: This is to give notice that postage rates for preferred-rate mailers will decrease, as directed by Congress in the Urgent Supplemental Appropriations Act, 1982, H.R. 6685, signed into law on July 18, 1982 (Pub. L. 97-216). The decrease in postage rates is the result of an increased appropriation for the revenue forgone subsidy appropriated by Congress. The new rates are contained in the Appendix to this notice.

EFFECTIVE DATE: 12:01 a.m., July 28, 1982.

FOR FURTHER INFORMATION CONTACT: Don S. Allen (202) 245-4418.

SUPPLEMENTARY INFORMATION: In the Urgent Supplemental Appropriations Act, 1982, Congress appropriated an additional Payment for revenue forgone on free and reduced rate mail of $42 million. Congress directed that the Postal Service promptly use the additional funds to revise the phasing schedules for reduced-rate mail so that all mail covered by the 16-year phasing schedule established pursuant to section 3626 of title 39, United States Code, shall benefit from step 13 on such schedule through September 30, 1982. Accordingly, the Postal Service hereby gives notice that at 12:01 a.m. on July 28, 1982, the step 13 phased rates for preferred-rate categories contained in the appendix to this notice will take effect.

(39 U.S.C. 401, 403, 404, 2401(c), 3626, Pub. L. 97-216)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

Appendix

Schedule 1.—Second-class rates: In-county

[In cents]

Per Pound	3.9
Per piece:	
Presorted to carrier route	1.9
Other	2.4

Schedule 2.—Second-class rates: Publications of authorized nonprofit organizations, outside county

[In cents]

Editorial	7.7
Advertising:	
1 and 2	10.7
3	11.4
4	12.7

Schedule 2.—Second-class rates: Publications of authorized nonprofit organizations, outside county—Continued

[In cents]

5	14.6
6	16.4
7	18.4
8	20.2
Pieces:	
A	5.3
B	3.7
C	2.7

Schedule 3.—Second-class rates: Classroom publications

[In cents]

Editorial	4.5
Advertising:	
1 and 2	6.0
3	6.7
4	8.0
5	10.0
6	12.2
7	14.4
8	16.4
Piece	2.4

Schedule 4.—Second-class rates: Regular rate publications outside county

[In cents]

Science of agriculture:	
Advertising to zones 1 and 2	10.7
Limited circulation:	
A	4.6
B	3.0
C	2.5

Schedule 5.—Third-class rates: Nonprofit bulk

[In cents]

Per pound[1]	21.4
Minimum per-piece:	
Required presortation	4.9
Presorted to 5-digits	4.0
Presorted to carrier route	3.0

[1] Less the amount of difference between the minimum per-piece rates for required presortation and the appropriate presortation level on a per-piece basis.

Schedule 6.—Forth-class rates: Library

[In cents]

1st pound	32.0
each additional pound through 7 pounds	11.0
Each additional pound	7.0

[FR Doc. 82-20031 Filed 7-22-82; 8:45 am]

BILLING CODE 7710-12-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-5298]

Dime Investment Corp.; Issuance of a License To Operate as a Small Business Investment Company

On December 22, 1981, a notice was published in the **Federal Register** (46 FR

62211), stating that Dime Investment Corporation, located at 422 South Western Avenue, Los Angeles, California 90004, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1981), for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business on January 6, 1982, to submit their comments to SMA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 09/09–5298 to Dime Investment Corporation, on July 7, 1982.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 19, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82–19954 Filed 7–22–82; 8:45 am]

BILLING CODE 8025–01–M

[License No. 09/09–0184]

Grocers Capital Co., Inc.; Application for Approval of Conflict of Interest Transaction between Associates

Notice is hereby given that Grocers Capital Company, Inc., (Grocers) 2601 S. Eastern Avenue, Los Angeles, California 90040 a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1982)) for approval of a conflict of interest transaction.

Grocers proposes to loan $80,000 to Arrow Market, 8315 Santa Monica Boulevard, Los Angeles, California 90069. The proceeds of the loan will be used to purchase equipment or inventory from Grocers Equipment Company (G.E.C.) and/or Certified Grocers of California, Ltd. (Certified), Associates of the Licensee.

All of Grocers' stock is owned by subsidiaries of Certified, a retailer owned grocery cooperative. G.E.C., a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by Section 107.3 of the SBA Rules and Regulations.

As a result, Grocers' financing to Arrow Market fall within the purview of Sections 107.3 and 107.1004(b)(5) of the SBA Regulations. Grocers' loan to Arrow Market require prior written approval of SBA.

Notice is hereby given that any person may not later than August 2, 1982, submit written comments to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in the Los Angeles, California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 19, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82–19955 Filed 7–22–82; 8:45 am]

BILLING CODE 8025–01–M

[License No. 09/09–0184]

Grocers Capital Co., Inc.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company, Inc., (Grocers) 2601 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1982)) for approval of a conflict of interest transaction.

Grocers proposes to loan $120,000 to Moore's Market Inc., 43 Malaga Cove, Palos Verdes, California 90274. The proceeds of the loan will be used to purchase equipment or inventory from Grocers Equipment Company (G.E.C.) and/or Certified Grocers of California, Ltd. (Certified), Associates of the Licensee.

All of Grocers' stock is owned by subsidiaries of Certified, a retailer owned grocery cooperative. G.E.C., a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by § 107.3 of the SBA Rules and Regulations.

As a result, Grocers' financing to Moore's Market, Inc. fall within the purview of Sections 107.3 and 107.1004(b)(5) of the SBA Regulations. Grocers' loan to Moore's Market, Inc. require prior written approval of SBA.

Notice is hereby given that any person may not later than 10 days from the date of publication of this Notice, submit written comments to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in the Palos Verdes, California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 19, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82–19956 Filed 7–22–82; 8:45 am]

BILLING CODE 8025–01–M

[License No. 05/05–0168]

Mesirow Capital Corp.; Issuance of a Small Business Investment Company License

On April 28, 1982, a notice was published in the **Federal Register** (18208) stating that an application has been filed by Mesirow Capital Corporation, 135 S. LaSalle Street, Suite 3705, Chicago, Illinois 60603, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)) for a license as a small business investment company.

Interested parties were given until close of business May 13, 1982, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05–0168 on July 7, 1982, to Mesirow Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 19, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82–19957 Filed 7–22–82; 8:45 am]

BILLING CODE 8025–01–M

Region III Advisory Council; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of the State of Maryland will hold a public meeting from 9:00 a.m. to 2:00 p.m., Wednesday, September 29, 1982, in the Conference Room of the Baltimore District Office, 8600 LaSalle Road, 630 Oxford Building, Towson, Maryland 21204, (301) 962–2054.

For further information, write or call J. Arnold Feldman, District Director, U.S. Small Business Administration, 8600 LaSalle Road, 630 Oxford Building, Towson, Maryland 21204, (301) 962–2054.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

July 19, 1982.

[FR Doc. 82–19959 Filed 7–22–82; 8:45 am]

BILLING CODE 8025–01–M

Region VI—Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Dallas, will hold a public meeting at 10:00 a.m. on Friday, August 27, 1982, in Room 7A23 at the Federal Building, 1100 Commerce Street, Dallas, Texas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present and for an orientation of newly appointed Advisory Council Members.

For further information, write or call James S. Reed, District Director, U.S. Small Business Administration, 1100 Commerce Street, Room 3C36, Dallas, Texas 75242, (214) 767–0600.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

July 19, 1982.

[FR Doc. 82–19960 Filed 7–22–82; 8:45 am]

BILLING CODE 8025–01–M

[License No. 06/06–5254]

United Oriental Capital Co.; Issuance of a License To Operate as a Small Business Investment Company

On February 18, 1982, a notice was published in the **Federal Register** (47 FR 7357), stating that United Oriental Capital Company located at 13432 Hemstead Highway, Houston, Texas 77040, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1982), for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business March 5, 1982, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 06/06–5254 to United Oriental Capital Company, on July 7, 1982.

(Catalog of Federal Domestic Program No. 59.011, Small Business Investment Companies)

Dated: July 19, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82–19958 Filed 7–22–82; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

During the period July 9 through July 15, 1982, the Department of Treasury submitted the following public information collection requirements to OMB, for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the Treasury Reports Management Officer, Information Resources Management Division, Room 309, 1625 I St. N.W., Washington, D.C. 20220; *and* to the OMB reviewer listed at the end of each entry.

Date Submitted: July 14, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: N/A (new submission).

Form Number: SWR E–2574.

Type of Submission: New.

Title: Windfall Profit Tax 30-Day Letter.

Purpose: Letter SWR E–2574 is used to explain a proposed adjustment to windfall profit tax liability and to solicit agreement from the taxpayer. If the taxpayer does not agree, he or she fills out a questionnaire on the letter. IRS uses the information to review its adjustments.

OMB Reviewer: Michael Abrahams, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: July 14, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545–0230.

Form Number: 6458.

Type of Submission: Revision.

Title: Certification and Election Form.

Purpose: Form 6458 is used to make or revoke various elections and certifications for the crude oil windfall profit tax. The IRS uses Form 6458 to record persons, who are claiming exemptions from or reduced rates of the windfall profit tax, as well as other elections or revocations.

OMB Reviewer: Michael Abrahams, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: July 14, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545–0226.

Form Number: 6249.

Type of Submission: Revision.

Title: Computation of Overpaid Windfall Profit Tax.

Purpose: Form 6249 is used to claim a credit or refund by producers of domestically produced crude oil, who have overpaid their windfall profit tax. The information is used to determine if overpayment has been correctly computed.

OMB Reviewer: Michael Abrahams, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: July 14, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: N/A (new submission).

Form Number: 1671C, 1671(DO) and 1671(SC).

Type of Submission: New.

Title: Second Request for Information to handle Problem Resolution Case.

Purpose: Taxpayers ask the Problem Resolution office for assistance when normal channels cannot resolve their problems with the Service. Sometimes they do not furnish the information necessary for Problem Resolution to help them. These forms may be used as second requests for this information. There is no standard first request letter.

OMB Reviewer: Michael Abrahams, (202) 305–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: July 14, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545–0203.

Form Number: 5329.

Type of Submission: Revision.

Title: Return for Individual Retirement Arrangement Taxes.

Purpose: This form is used to compute and collect taxes related to individual retirement (i) accounts, (ii) annuities, and (iii), bonds. These taxes are: (i) excess contribution tax, (ii) premature distribution tax, and (iii) failure to distribute after age 70½ tax. The date is used to help verify that the correct amount of tax has been paid.

OMB Reviewer: Michael Abrahams, (202) 395–6880, Office of Management

and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: July 13, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545–0426.

Form Number: 1742.

Type of Submission: Revision.

Title: Order Form for Understanding Taxes Materials.

Purpose: Form 1742 will be used by each school wishing to order the Understanding Taxes program materials and supplemental films. The information at the bottom of the proposed 1742 will be used solely to provide schools with films at a convenient time and in appropriate format.

OMB Reviewer: Michael Abrahams, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

July 20, 1982.

Joy Tucker,

Departmental Reports Management Officer.

[FR Doc. 82-19946 Filed 7-22-82; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 142
Friday, July 23, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Items
Equal Employment Opportunity Commission	1
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Securities and Exchange Commission	5

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, July 27, 1982.

PLACE: Commission Conference Room No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. Freedom of Information Act Appeal No. 82-05-FOIA-39-PA, concerning a request for a copy of the file pertaining to requestor's charge.
3. Freedom of Information Act Appeal No. 82-05-FOIA-47-DA, concerning any information regarding charges of racial discrimination in discharge.
4. Freedom of Information Act Appeal No. 82-05-FOIA-43-PA, concerning a request for a reply by a respondent to allegations raised in this charge.
5. Freedom of Information Act Appeal No. 82-05-FOIA-070-MK, concerning a request for access to all documents in age charge file No. 076820453.
6. Freedom of Information Act Appeal No. 82-05-FOIA-071-MK, concerning a request for access to all documents in age charge file No. 076820589.
7. Freedom of Information Act Appeal No. 82-05-FOIA-39-SL, concerning a request for a review of requestor's closed Title VII file.
8. Freedom of Information Act Appeal No. 82-5-FOIA-055-NY, concerning a request for all records in an open ADEA file.
9. Freedom of Information Act Appeal No. 82-5-FOIA-13-DE, concerning a request for materials previously denied from requestor's charge file.
10. Staff Report—Analysis of Pre-complaint Counseling and Complaint Processing Data Submitted by Federal Agencies for Fiscal Year 1981.
11. Report on Commission Operations by the Acting Executive Director.

Closed:

Litigation Authorization, General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Officer, Executive Secretariat at (202) 634-6748.

This Notice issued July 20, 1982.

[S-1075-82 Filed 7-21-82; 9:44 am]

BILLING CODE 6570-06-M

2

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., July 28, 1982.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Monthly report of actions taken pursuant to delegated authority.
2. Agreements Nos. T-3875-1 and T-3875-2: Stevedoring and terminal service agreement between the Chicago Regional Port District and Ceres Terminals Incorporated; and "Amendment No. 2" to Agreement No. T-3901: Stevedoring and terminal service agreement between Chicago Port District and International Great Lakes Shipping Company.
3. Docket No. 82-23: In the Matter of Rates Applicable to Ocean Shipments via American President Lines—Further consideration of the record.
4. Docket No. 81-51: Time Limit for Filing of Overcharge Claims—Consideration of comments submitted in response to notice of proposed rulemaking.

CONTACT PERSON FOR MORE INFORMATION:
Francis C. Hurney, Secretary, (202) 523-5725.

[S-1077-82 Filed 7-21-82; 11:11 am]

BILLING CODE 6730-01-M

3

NATIONAL LABOR RELATIONS BOARD

Notice of Meeting

TIME AND DATE: 10 a.m., Thursday, July 22, 1982.

PLACE: Board Conference Room sixth floor, 1717 Pennsylvania Avenue, NW., Washington, D.C.

STATUS: Open to public observation.

MATTERS TO BE CONSIDERED:

1. Current Agency Operations—Spending Levels—FY '82
2. Status of FY '83 Agency budget request
3. Budget Options—Consideration of cash allocation for the following:
   A. SES Bonuses
   B. Managers and Supervisors
4. GAO Report
5. Bound Volumes—Whether to increase distribution
6. Regional Directors' Conference

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570; telephone (202) 254-9430.

By direction of the Board.

Dated: July 20, 1982.

John C. Truesdale,
Executive Secretary, National Labor Relations Board.

[S-1078-82 Filed 7-21-82; 8:45 am]

BILLING CODE 7545-01-M

4

POSTAL RATE COMMISSION

TIME AND DATE: 2 p.m., Thursday, July 29, 1982.

PLACE: Conference Room 500, 2000 L Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: FY 83 Budget.

CONTACT PERSON FOR MORE INFORMATION:
Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268; telephone (202) 254-5614.

[S-1079-82 Filed 7-21-82; 3:48 pm]

BILLING CODE 7715-01-M

5

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of July 26, 1982, in Room 6059, 450 5th Street, N.W., Washington, D.C.

A closed meeting will be held on Tuesday, July 27, 1982, at 10:00 a.m. An open meeting will be held on Wednesday, July 28, 1982, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries

will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Commissioner Longstreth, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, July 27, 1982, at 10:00 a.m., will be:

Formal orders of investigation.
Settlement of injunctive action.
Litigation matters.
Institution of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.
Report of investigation.
Institution of administrative proceedings of an enforcement nature.
Opinion.

The subject matter of the open meeting scheduled for Wednesday, July 28, 1982, at 10:00 a.m., will be:

1. Consideration of two proposals that will be pending before the House of Delegates of the American Bar Association at the Associations's annual meeting in August, concerning discipline by federal agencies of attorneys who represent clients that are regulated by an agency. The Commission will determine whether it wishes to transmit its views to the House of Delegates. For further information, please contact Myrna Siegel at (202) 272–2430.

2. Consideration of whether to adopt Form SECO–4 which would establish the charges for SECO broker-dealers for fiscal year 1982. For further information, please contact Katherine England at (202) 272–2410.

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: Richard Starr at (202) 272–3195.

July 21, 1982.

[S–1076–82 Filed 7–21–82; 11:03 am]

BILLING CODE 8010–01–M

6

FEDERAL RESERVE SYSTEM

Correction

In S–1059–82 appearing on page 31494 in the issue of Tuesday, July 20, 1982, the time and date of the meeting was omitted and should be inserted as follows:

TIME AND DATE: 10:00 a.m., Monday, July 26, 1982.

BILLING CODE 1505–01–M

federal register

Friday
July 23, 1982

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Georgia: GA82–2041	June 25, 1982.
Louisiana:	
LA82–4020	May 7, 1982.
LA82–4023	May 7, 1982.
Iowa: IA82–4030	June 4, 1982.
Colorado: CO82–5104	Feb. 26, 1982.
Texas:	
TX81–4064	Aug. 7, 1981.
TX82–4001	Jan. 29, 1982.
TX82–4002	Jan. 15, 1982.
TX82–4019	May 7, 1982.
TX82–4024	June 18, 1982.
TX82–4025	June 18, 1982.
TX82–4026	June 18, 1982.
TX82–4027	June 18, 1982.
TX82–4028	June 18, 1982.
TX82–4029	June 18, 1982.
TX82–4033	June 18, 1982.
Michigan: MI81–2032	July 6, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Arkansas:	
AR81–4040 (AR82–4038)	June 19, 1981.
AR81–4041 (AR82–4039)	June 19, 1981.
Virginia: VA81–3085 (VA82–3024)	Nov. 27, 1981.

Please note that we are changing the format for Federal Register wage decision to coincide with the provisions of All Agency Memorandum No. 132 dated January 29, 1980 which provides that the Department of Labor will discontinue identifying fringe benefits separately. Rather, they will be stated as a composite figure which is the total hourly equivalent value of fringe benefits found to be prevailing. Fringe benefits which can not be stated in monetary terms will be shown in footnotes. This procedure is being phased in gradually.

Signed at Washington, D.C., this 16th day of July 1982.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-30-M

[FR Doc. 82-19768 Filed 7-22-82; 8:45 am]

BILLING CODE 4510-30-C

MODIFICATION PAGE 1

DECISION NO. LA82-4020 - MOD. #3 (47 FR 19880 - 5/7/82) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers:		
Zone 3	$13.80	2.22
Boilermakers	16.25	2.415
Bricklayers & stonemason:		
Zone 4	14.15	1.69
Carpenters:		
Zone 5:		
Carpenters & soft floor layers	13.85	2.06
Millwrights	14.24	2.06
Piledrivermen	13.95	2.06
Zone 6:		
Carpenters & soft floor layers	13.69	2.06
Millwrights	14.24	2.06
Piledrivermen	13.95	2.06
Zone 9:		
Carpenters & soft floor layers	12.30	1.85
Millwrights	13.20	1.85
Piledrivermen	12.80	1.85
Cement masons - Zone 1	13.60	.05
Elevator constructors:		
Zone 2 - Mechanics	13.66	2.465+ a+b
Helpers	70%JR	"
Helpers (Prob.)	50%JR	
Glaziers - Zone 2	11.75	.01
Marble, tile & terrazzo workers & finishers:		
Zone 1:		
Marble setters	14.15	1.69
Tile & terrazzo worker	13.75	.65
Zone 2 - Tile setters	12.07	1.70
Painters:		
Zone 2 - Group 1	11.85	.83
Group 2	13.42	.83
Zone 7 - Group 1	9.05	
Group 2	10.05	
Group 3	9.55	
Plasterers - Zone 2	13.00	.01
Roofers:		
Zone 4 - Roofers	11.00	.30
Kettlemen	9.00	.30
Zone 3 - Roofers	11.63	1.79
Truck drivers:		
Zone 5 - Group 1	10.79	.70
Group 2	11.40	.70
Group 3	11.45	.70
Group 4	11.71	.70

DECISION NO. LA82-4023 - MOD. #2 (47 FR 19878 - 5/7/82) Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard, St. Charles Pars., Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayers & stonemasons - Zone 1	$14.15	1.69

DECISION NO. IA82-4030 - MOD. #1 (47 FR 26537 - 6/4/82) Black Hawk, Cerro Gordo, Clinton, Des Moines, Dubuque, Johnson, Linn & Polk Cos., Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers:		
Zones 1,3,4,5,6 & 7	$16.86	2.40
Zones 2 & 8	16.17	3.155
Electricians:		
Zones 6 & 7	16.52	2.35+ 3-3/4%
Elevator constructors:		
Zone 8:		
Mechanics	15.01	2.465+a
Helpers	70%JR	2.465+a
Helpers (Prob.)	50%JR	
Ironworkers:		
Zones 1, 2(except SE part of Dubuque Co.), 6 & 7	15.11	1.96
Painters:		
Zones 6 & 7:		
Brush & rollers	15.14	.03
Paperhangers	15.39	.03
Sandblasting	16.14	.03
Spray	15.79	.03
Plumbers & pipefitters:		
Zone 4	16.15	2.65
Zone 5	14.92	1.98
Zone 8	15.15	3.15
Roofers:		
Zone 8	12.25	2.05

DECISION NO. CO82-5104 - Mod. #8 (47 FR 8497 - February 26, 1982) El Paso County, Colorado		
Change:		
Carpenters:		
Zone 1	$13.57	$3.36
Zone 2	14.07	3.36
Zone 3	14.32	3.36
Sprinkler Fitters	16.67	2.83

MODIFICATION PAGE 2

DECISION NO. TX81-4064 - MOD. #5 (46 FR 40487 - 8/7/81) El Paso County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Plumbers & pipefitters	$13.17	1.60
Sheet metal workers	13.30	1.55+3%

DECISION NO. TX82-4001 - MOD. #4 (47 FR 4463 - 1/29/82) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	16.25	2.415
Carpenters:		
Zone 1 - Carpenters	13.75	.71
Millwrights	14.10	.71

DECISION NO. TX82-4002 - MOD. #3 (47 FR 2472 - 1/15/82) Wichita County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	16.25	2.415
Elevator constructors:		
Mechanics	14.99	2.465+ a+b
Helpers	70%JR	"
Helpers (Prob.)	50%JR	
Ironworkers:		
Structural;ornamental; reinforcing	12.50	2.95
Ironworkers on jobs 30 miles or more from the City of Wichita Falls	12.625	2.95
Laborers - Group 1	7.85	.57
Group 2	7.98	.57
Group 3	8.10	.57

DECISION NO. TX82-4019 - MOD. #3 (47 FR 19935 - 5/7/82) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	$16.25	2.415
Cement masons - Zone 1	15.22	1.50
Elevator constructors:		
Mechanics	14.99	2.465+ a+b
Helpers	70%JR	"
Helpers (Prob.)	50%JR	
Glaziers:		
Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.	14.90	1.30
Line construction:		
Linemen	16.15	.60+8½%
Cable splicers	17.77	.60+8½%
Operators	16.96	.60+8½%
Groundmen	11.31	.60+8½%
Plasterers - Zone 1	14.42	2.54
Power equipment ops.:		
Zone 1 - Group 1	14.53	2.35
Group 2	14.13	2.35

DECISION NO. TX82-4024 - MOD. #1 (47 FR 26548 - 6/18/82) Travis County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	16.25	2.415
Laborers - Group 1	8.73	.72
Group 2	8.88	.72
Group 3	9.055	.72
Group 4	9.13	.72
Painters - Group 1	12.25	
Group 2	12.75	
Plumbers & pipefitters	16.00	1.27

DECISION NO. TX82-4025 - MOD. #1 (47 FR 26550 - 6/18/82) Brazos County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	$16.25	2.415
Sheet metal workers	15.69	1.99+3%
Power equipment ops.:		
Group 1	16.09	2.09
Group 2	14.23	2.09
Group 3	13.60	2.09
Group 4	13.39	2.09

DECISION NO. TX82-4026 - MOD. #1 (47 FR 26547 - 6/18/82) Lubbock County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	16.25	2.415
Bricklayers & stonemason	12.57	.33
Ironworkers:		
Structural;ornamental; reinforcing	12.50	2.95
All ironworkers on jobs 30 miles or more from the City of Lubbock	12.625	2.95

DECISION NO. TX82-4027 - MOD. #1 (47 FR 26551 - 6/18/82) Bexar County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	16.25	2.415
Bricklayers & stonemason	13.28	1.52
Power equipment ops.:		
Group 1	13.02	2.25
Group 2	11.60	2.25
Group 3	9.80	2.25
Group 4	9.42	2.25

DECISION NO. TX82-4028 - MOD. #1 (47 FR 26553 - 6/18/82) Jefferson & Orange Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters - residential const. of not more than 2 units & condomimium townhouses of not more than 10 units excl. all apt. const. & multiple bldgs. for rental purposes	14.69	1.765
Boilermakers	16.25	2.415

DECISION NO. TX82-4029 - MOD. #1 (47 FR 26552 - 6/18/82) Bell,Bosque,Coryell, Falls,Hill & McLennan Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Building Construction:		
Boilermakers	$16.25	2.415
Elevator constructors:		
Mechanics	14.99	2.465+a
Helpers	70%JR	2.465+a
Helpers (Prob.)	50%JR	
Line construction:		
Zone 1:		
Linemen	13.66	.60+8½%
Cable splicers	15.03	.60+8½%
Groundman	9.56	.60+8½%
Operators	14.34	.60+8½%
Zone 2:		
Linemen	15.60	.60+8½%
Cable splicers	17.16	.60+8½%
Groundman	10.92	.60+8½%
Operators	16.38	.60+8½%

DECISION NO. TX82-4033 - MOD. #2 (47 FR 26549 - 6/18/82) Galveston & Harris Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	16.25	2.415
Carpenters:		
Millwrights	16.135	2.17
Piledrivermen	15.75	2.17
Cement masons:		
Galveston Co.	15.25	2.05
Sheet metal workers	15.69	1.99+3%
Power equipment ops.:		
Group 1	16.09	2.09
Group 2	14.23	2.09
Group 3	13.60	2.09
Group 4	13.39	2.09

DECISION #MI81-2032 - Mod. #2 (46 FR 34998 - July 6, 1981) Macomb, Monroe, Oakland, Washtenaw, & Wayne Counties, Michigan	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Sheet Metal Workers:		
Monroe Counties	$16.145	$ 3.315
Remainder of Counties -		
Light Commercial Work - jobs consisting of 10 tons of air conditioning and/or 200,000 B.T.U.'s of heating and architectural sheet metal work on such projects.	$10.11	$ 1.89
All Other Commercial Work	14.85	7.16
Residential Work - consisting of single family homes and apartments up to and including four (4) stories.	10.11	1.89

DECISION NO. GA82-2041 - Mod. #2 (42 FR 27685 - June 25, 1982) Georgia, North Carolina, South Carolina, Virginia, Washington, D. C. and in Florida, All Counties on the Atlantic Coast and The Gulf Coast West to the Aucilla River and All Tributary Water Ways	Basic Hourly Rates	Fringe Benefits
Delete:		
from States: Georgia		

SUPERSEDEAS DECISION

STATE: Arkansas
COUNTY: Union and Ouachita
DECISION NO.: AR82-4038
DATE: Date of Publication
SUPERSEDES DECISION NO. AR81-4040 dated June 19, 1981 in 46 FR 32179
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	15.25	2.05
BOILERMAKERS	16.35	2.415
BRICKLAYERS	12.00	1.25
CARPENTERS:		
Carpenters	10.85	1.04
Millwrights-Piledriver-men	11.35	1.04
CEMENT MASONS	12.00	.38
ELECTRICIANS:		
Electrical contract $20,000 or less:		
Electricians	14.39	3⅛%
Cable splicers	14.69	3⅛%
Electrical contracts over $20,000:		
Electricians	15.18	3⅛%
Cable splicers	15.48	3⅛%
IRONWORKERS	13.25	1.91
LABORERS:		
Group I	8.30	1.15
Group II	8.55	1.15
Group III	8.70	1.15
Group IV	8.80	1.15
Group V	8.95	1.15
Group VI	9.20	1.15
Group VII	9.10	1.15
LINE CONSTRUCTION:		
Electricial contracts $20.000.00 or less:		
Linemen	14.39	3⅛%
Cable splicers	14.69	3⅛%
Electricial contracts over $20,000.00:		
Linemen	15.18	3⅛%
Cable splicers	15.48	3⅛%
Electricial contracts $20,000.00 or less and over $20,000.00:		
Groundman	65%JR	3⅛%
Truck drivers	70%JR	3⅛%
Winch operator	80%JR	3⅛%
Heavy Equipment operator (on track or transmission equipment	100%JR	3⅛%
PAINTERS:		
Brush, roller, sheet rock work & paperhanging	9.00	
Spray and sandblasting	9.875	

	Basic Hourly Rates	Fringe Benefits
PLASTERERS	12.00	.39
PLUMBERS-PIPEFITTERS	14.25	1.60
POWER EQUIPMENT OPERATORS:		
Group I	13.22	1.25
Group II	11.97	1.25
Group III	11.40	1.25
Group IV	9.38	1.25
ROOFERS	11.81	.30
SHEET METAL WORKERS	12.09	3%+ 1.38
SPRINKLER FITTERS	14.57	2.83
TILE, MARBLE & TERRAZZO WORKERS	12.10	1.54

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

UNLISTED classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

LABORERS LABORERS CLASSIFICATION DEFINITIONS

GROUP I - Construction laborer-concrete, wrecking, carpentrs, dry-wall, mechanics, excavating, plumbers and electricians laborers, green cutter, blowpipe, and crete pump hose placer

GROUP II - Semi-skilled labor - pipelayers, concrete, clay, and mechanical tool, cement mixer, wet or dry finishers and plasterers, mason tenders, mortar mixers, asphalt rakers and shovelers, creosote wood handlers, chuck tender

GROUP III - Skilled "A" - Steelform setters, curb and gutters, grout and cement muckers

GROUP IV - Skilled "B" - Swinging scaffold, barco, 90lb pavement breaker and burners

GROUP V - Nozzleman (gunite, grout, and sandblasters); concrete pump (nozzel placer)

GROUP VI - Powderman and blaster GROUP VII - Wagon drill

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradalls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floorand handling building material. Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumpcrete, spray machine andpressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment greaser, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

SUPERSEDEAS DECISION

STATE: Arkansas

COUNTY: Garland, Clark & Hot Springs

DECISION NO.: AR82-4039

DATE: Date of Publication

SUPERSEDES DECISION NO. AR81-4041 dated June 19, 1981 in 45 FR 32179

DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	15.25	2.05
BOILERMAKERS	16.35	2.415
BRICKLAYERS-STONEMASONS:		
Clark & Garland Counties	12.00	.50
Hot Springs County	12.80	.59
CARPENTERS:		
Carpenters	10.85	1.04
Millwrights-Piledrivermen	11.35	1.04
CEMENT MASONS	12.00	.38
ELECTRICIANS:		
Electricians	12.77	3%%+ 1.60
Cable Splicers	12.895	"
ELEVATOR CONSTRUCTORS:		
Journeymen	10.81	2.05+a
Helpers	70%JR	2.05+a
IRONWORKERS	12.80	1.91
LABORERS:		
Group I	8.30	1.15
Group II	8.55	1.15
Group III	8.70	1.15
Group IV	8.80	1.15
Group V	8.95	1.15
Group VI	9.20	1.15
Group VII	9.10	1.15
LINE CONSTRUCTION:		
Linemen	12.27	3%%+ 1.60
Cable splicers	12.395	"
Groundman	64%JR	"
Truck drivers (with winch)	80%JR	"
Truck drivers (flat bed)	64%JR	"
PAINTERS:		
Brush and roller	8.00	
Paperhanging	8.50	
Sheet rock (tape and float only), stage & steel	8.50	
Spray & sandblasting	11.25	
Painters operating any kind of taping or floating machine	11.75	
PLASTERERS	12.00	.39

	Basic Hourly Rates	Fringe Benefits
PLUMBERS-PIPEFITTERS:		
Within 10 miles of Garland County Courthouse	13.45	1.60
10 miles and over from Garland County Courthouse	14.35	1.60
POWER EQUIPMENT OPERATORS:		
Group I	13.22	1.25
Group II	11.97	1.25
Group III	11.40	1.25
Group IV	9.38	1.25
ROOFERS	11.81	.30
SHEET METAL WORKERS	13.26	3%+ 1.35
SPRINKLER FITTERS	14.57	2.43
TILE LAYERS (Garland and Clarke Counties)	12.00	.50

FOOTNOTES:

a. 1st 6 mos. - none; 6 mos. to 5 yrs. 6%; over 5 years - 8% of basic hourly rate plus 6 paid holidays; A-New Years Day B-Memorial Day C-Independence Day D-Labor Day E-Thanksgiving Day F-Christmas Day

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental

UNLISTED classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

LABORERS LABORERS CLASSIFICATION DEFINITIONS

GROUP I - Construction laborer-concrete, wrecking, carpentrs, dry-wall, mechanics, excavating, plumbers and electricians laborers, green cutter, blowpipe, and crete pump hose placer

GROUP II - Semi-skilled labor - pipelayers, concrete, clay, and mechanical tool, cement mixer, wet or dry finishers and plasterers, mason tenders, mortar mixers, asphalt rakers and shovelers, creosote wood handlers, chuck tender

GROUP III - Skilled "A" - Steelform setters, curb and gutters, grout and cement muckers

GROUP IV - Skilled "B" - Swinging scaffold, barco, 90lb pavement breaker and burners

GROUP V - Nozzleman (gunite, grout, and sandblasters); concrete pump (nozzel placer)

GROUP VI - Powderman and blaster GROUP VII - Wagon drill

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradalls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floorand handling building material. Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumpcrete, spray machine andpressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment greaser, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

SUPERSEDEAS DECISION

STATE: Virginia

COUNTIES: York County, The Cities of Hampton and Newport News (including Langley AFB, Fort Eustis and Fort Monroe)

DECISION NO.: VA82-3024

DATE: Date of Publication

Supersedes Decision No. VA81-3085 dated November 27, 1981 in 46 FR 58029

DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up and including 4 stories), Sewer and Water Line Construction.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	12.55	1.91
BOILERMAKERS	13.70	2.715
BRICKLAYERS AND STONE MASONS	12.50	
CARPENTERS AND SOFT FLOOR LAYERS	11.65	1.46
CEMENT MASONS:		
Cement Masons	10.40	.40
Machine and Scaffold Men	10.50	.40
ELECTRICIANS:		
Zone I-within a 16 air mile radius of 7812 Warwick Bldv., Newport News:		
Wiremen	12.20	1.85
Cable Splicers	12.45	1.87
Zone II-beyond a 16 air mile radius of 7812 Warwick Bldv., Newport News:		
Wiremen	13.20	1.94
Cable Splicers	13.45	1.96
ELEVATOR CONSTRUCTORS	10.33	2.18+ a+b
ELEVATOR CONSTRUCTORS HELPERS	7.23	2.18+ a+b
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	5.165	
GLAZIERS	11.10	1.12
IRONWORKERS:		
Structural, ornamental, riggers, reinforcing, fence erectors, and machinery movers	13.15	2.38
LABORERS:		
Unskilled	7.50	.66
Tenders, motorized Georgia buggy operators, nozzlemen (gunite or sandblasting), concrete saw operators, air tool and vibrator operators	7.60	.66
Mortar mixers, hod carriers, pipelayers, caulkers, marble, tile and terrazzo worker helpers	7.75	.66
Burners (wrecking)	7.85	.66
Floor, base, and terrazzo grinder	7.90	.66
Wagon drill and air trac	8.00	.66
Powdermen	8.25	.66
LATHERS	10.75	.25
LINE CONSTRUCTION:		
Zone 1-within a 16 air mile radius of 7812 Warwick Blvd., Newport News:		
Linemen	11.05	1.59
Cable Splicer	11.30	1.61
Zone II-beyond a 16 air mile radius of 7812 Warwick Bldv., Newport News:		
Linemen	12.05	1.68
Cable Splicer	12.30	1.70
MARBLE SETTERS	10.65	
MILLWRIGHTS	13.55	1.51
PAINTERS:		
(York County from a point on the north shore of Queens Creek at the intersection of York River due west to a point on the eastern shore of James River including all cities therein the cities of Hampton and Newport News;)		
Brush and roller	9.90	1.20
Paperhanger, taper, spray, roller with a 6' handle or over, structural steel to 74' from the ground up, swing stage, under 40', sandblasting	10.25	1.20

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	Basic Hourly Rates	Fringe Benefits
PAINTERS CONT'D:		
Swing stage over 40', spray epoxy	10.50	1.20
Epoxy brushed or rolled	10.15	1.20
All work over 74' from the ground	10.40	1.20
Bituminous coatings, hot creosite	11.20	1.20
PAINTERS: REMINDER OF COUNTY OF YORK		
Brush and roller	10.50	1.20
Paperhanging, taper, spray, roller with a handle 6' or over, structural steel 74' from the ground up, swing stage under 40', sandblasting	10.85	1.20
Swing stage over 40', epoxy sprayed	11.10	1.20
Epoxy brushed or rolled	10.75	1.20
All work over 74' from the ground	11.00	1.20
Bituminous coatings, hot creosote	11.90	1.20
Piledrivermen and dockbuilders	11.65	1.20
Plasterers	12.91	.40
Plumbers and Steamfitters	13.85	1.32
Roofers composition	8.10	
Roofers helpers (tearing off old roofing, carrying materials & clear-up)	6.20	
Sheet metal workers:		
Newport News and Hampton	10.30	1.005
York County	10.55	1.005
Sound and Signal Installer	6.00	
Sprinkler Fitters	13.47	2.83
Terrazzo workers and tile setters	10.65	
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:		
Group 1	12.40	1.775
Group 2	9.95	1.775
Group 3	8.00	1.775
Group 4	7.80	1.775
Group 5	7.61	1.775

WELDERS-receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Day after Thanksgiving.

b. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

SEWER & WATER CONSTRUCTION:		
LABORERS	3.38	
PIPELAYERS	4.59	
TRUCK DRIVERS	3.50	
LOADERS	4.69	
BACKHOE	6.50	
CRANES	7.90	

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CLASSIFICATIONS

Group 1 - Tunnel machine, cranes, derricks, pile drivers, pavers, two or more (drum) hoist, finish motor grader, mechanic, batch plant, gradall, quad

Group 2 - Cableways, tractors with attachments, combination front end loader and backhoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16S, fork lift

Group 3 - Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons, power plant, generator (1200 KW or larger), pumps (over 2 inches, including wellpoints), A-frame trucks, mechanic's helper

Group 4 - Firemen

Group 5 - Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

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Friday
July 23, 1982

Part III

Environmental Protection Agency

Hazardous Waste Management System; General and EPA Administered Permit Programs: the Hazardous Waste Permit Program

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 122

[SW-FRL 2113-2]

Hazardous Waste Management System; General and EPA Administered Permit Programs: the Hazardous Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and notice of intent to grant rulemaking petition; Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is today proposing to amend its consolidated permit regulations to provide a variance from the requirement that owners of hazardous waste management facilities, as well as operators, must sign the hazardous waste permit application. In addition, these proposed amendments provide an alternate certification that owners may use when signing hazardous waste permit documents, when the owner and operator are not the same person. These proposed changes do not affect EPA's ability to enforce against the owner as he is legally bound by both the permit conditions and any independently enforceable regulations whether or not he signs the permit application.

This proposal also constitutes a tentative decision to grant a rulemaking petition filed jointly by the Department of Agriculture (USDA) and the Department of Interior (DOI). The petition requests that EPA revise the certification statement required of a state or federal agency when it owns but does not operate a hazardous waste management facility.

These amendments are proposed. Therefore, they will have no immediate economic impact. If these amendments are promulgated in the same form as proposed here, the Agency expects that they will result in savings to the regulated community of approximately $85,000 annually over the next 10 years. The savings would be the result of not requiring the owner's signature on the permit application in some situations, and by requiring less burdensome review of permit applications by owners of hazardous waste management facilities before they sign the applications. This amendment will not have any environmental impact.

COMMENT DATE: EPA will accept public comment on these proposed amendments until September 21, 1982.

ADDRESS: Comments should be sent to the Docket Clerk (Docket 3005–owner signature/certification), Office of Solid Waste (WH–562), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Deborah Wolpe, Office of Solid Waste (WH–563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382–4754; or the RCRA hotline in Washington, D.C. at 382–3000 or toll-free at (800) 424–9346.

SUPPLEMENTARY INFORMATION:

I. Background

On February 26, 1980 and May 19, 1980, EPA published regulations pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. 6901 *et seq.*, establishing the first phase of a comprehensive program for the handling and management of hazardous waste [45 FR 33066–33285, now codified in 40 CFR Parts 260–265).

In addition, on May 19, 1980, EPA promulgated the consolidated permit regulations, governing five permit programs the hazardous waste management (HWM) program under Subtitle C of RCRA, the Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act, the National Pollutant Discharge Elimination System (NPDES) program under section 402 of the Clean Water Act, the state "Dredge and Fill" permit programs under section 404 of the Clean Water Act, and the Prevention of Significant Deterioration (PSD) program under regulations implementing section 165 of the Clean Air Act (45 FR 33290–33588, now codified in 40 CFR Parts 122–124). The changes proposed today concern only the RCRA portion of the consolidated permit regulations.

Among other things, the consolidated permit regulations require that, pursuant to Section 3005 of RCRA, facilities which treat, store, or dispose of hazardous waste must obtain a permit from EPA or a state authorized to run the RCRA program.[1] The regulations further require that to obtain a RCRA permit, the owner of a hazardous waste management facility, as well as the operator, must sign the application form (40 CFR 122.4(b)). Any person signing the permit documents must certify that he was personally examined, and is familiar with, the information submitted in the permit application and that, based on his personal inquiry of the individuals responsible for obtaining the information he believes that the application is true, accurate, and complete (40 CFR 122.6(d))[2]

The requirement that owners of HWM facilities sign the above-mentioned certification has raised a number of problems. Many applications were submitted without the owner's signature. Applicants claimed they had problems finding the owner, and if found, had difficulty getting him to sign. The problem of finding the owner of a facility has surfaced in a variety of situations, such as where there are complicated land ownership arrangements (*e.g.*, a real estate consortium, separate ownership of land and structures on the land); when the owner is an absentee landlord; and when the duration of the lease is extremely long (*e.g.*, 99-year leases where the original contracting parties are no longer available). Government-owned land presented a different problem. Although the owner is known, operators had difficulty obtaining the signature of the correct person at the responsible agency.

These, and additional problems were raised in the context of a lawsuit on the consolidated permit regulations, *NRDC v. EPA*,[3] and a petition for rulemaking filed by the Department of Agriculture (USDA) and the Department of Interior (DOI).[4]

[1] Pursuant to Section 3006 of RCRA, a state may obtain authorization to run its hazardous waste program in lieu of the Federal program. For a discussion of state authorization of the RCRA program, see the preamble to 40 CFR Part 123 in the May 19, 1980 **Federal Register**, 45 FR 33386, and the preamble discussion accompanying the January 26, 1981 amendments to those regulations, 46 FR 8298.

[2] Since both the owner and operator must sign the permit application, both must make this certification.

[3] *NRDC v. EPA*, No. 80–1607 (D.C. Cir., filed June 2, 1980) and consolidated cases. In June, 1980, numerous industry petitioners and other organizations filed petitions for judicial review of the consolidated permit regulations. Included in the issues raised in this litigation are 24 RCRA-related issues. Some of these issues are common to the other permit programs governed by the consolidated permit regulations, and are known as "common issues." On November 16, 1981, the RCRA industry petitioners and EPA signed a settlement agreement in the *NRDC* lawsuit, in which EPA agreed to issue a regulation interpretation memorandum (RIM), promulgate several technical amendments, and to propose several substantive amendments to the regulations as expeditiously as possible. The RIM and technical amendments were promulgated on April 8, 1982 (47 FR 15304). This proposal is one of the substantive amendments EPA has agreed to propose.

[4] Petition for rulemaking modification filed by USDA and DOI on June 24, 1981 pursuant to 42 U.S.C. 6974 and 40 CFR 260.20. The petition will be referred to as the "USDA–DOI petition" in this preamble.

Petitioners in the *NRDC* suit challenged § 122.4(b) as creating serious practical difficulties for the operator of a facility who must obtain the signature and certification of the property owner. The petitioners argued that requiring the owner's signature is pointless when the operator can demonstrate that the lack of the owner's signature and certification will not diminish the opertor's ability to comply with the permit and regulations.

The USDA–DOI petition requests modification of the certification in § 122.6(d) for those situations in which a federal or state agency owns but does not operate a HWM facility.[5] They assert that requiring the Federal government to sign the certification as required in § 122.6(d) in effect created a duplicative two-step permitting process. A prospective operator must first request permission from the applicable land-owning agency before he could consider siting and operating a HWM facility on public land. The request would be carefully reviewed and if found to be an acceptable land use, a lease or other type of authorization would be issued for the site. After receiving the land use authorization from the agency, the operator would prepare a RCRA permit application. The application must then be submitted to the land-owning Agency for careful scrutiny as to the truth, accuracy, and completeness of the permit application and certification before it can be submitted to EPA. Such a review, they argue, represents an inefficient allocation of the limited amount of federal and state funding available for hazardous waste management. They request that the nature of the certification required of federal and state agencies that own HWM facilities be changed. Rather than requiring them to conduct a review of the truth, accuracy, and completeness of the permit application, have them certify that they have reviewed the application to the extent necessary to be aware of its contents, and that they are aware that the government agency is liable if the operator fails to comply with the regulations. They argue that a certification of this nature could be less burdensome and require much less administrative effort.

Prior to November 19, 1980, EPA stated that operators who could not obtain the owner's signature by November 19, 1980, should inform EPA that they had tried and failed to obtain the signature, and submit the application anyway. The Agency received many permit applications without the owner's signature. Many operators demonstrated their good faith attempts to obtain the owner's signature and certification. After making all reasonable attempts to obtain the owner's certification, one operator notified the owner of his responsibilities and obligations under the rules and regulations. The operator then asked EPA to use its "inherent authority to mitigate the impact of such a refusal upon a good faith applicant" and waive the owner's signature requirement. The applicant argued that EPA retains jurisdiction over the owner regardless of his refusal to execute the certification.

EPA believes that some of the claims made by the petitioners and the regulated community are valid in whole or in part. Rather than contravening or making exceptions to existing regulations, however, the Agency is proposing a regulatory solution to these problems. The Agency is today proposing to amend 40 CFR 122.4(b) and 122.6(d) to provide a variance from the requirement that all owners of HWM facilities must sign the RCRA permit application and to provide an alternative certification for owners signing permit applications when the owner and operator are not the same person.

The Agency considers the owner and operator of a facility jointly and severally responsible for carrying out the requirements of the hazardous waste regulations and permit. There is clear congressional intent to bind the owner as evidenced by the language of sections 3004 and 3005 of RCRA.

Section 3004 states in part that "* * * the Administrator shall promulgate regulations establishing such performance standards, *applicable to owners and operators* of facilities for the treatment, storage, or disposal of hazardous waste * * * as may be necessary to protect human health and the environment * * *" (emphasis added).

Similarly, Section 3005 states in part that "* * * the Administrator shall promulgate regulations requiring each person *owning or operating* a facility for the treatment, storage or disposal of hazardous waste * * * to have a permit issued pursuant to this section * * *" (emphasis added).

In addition, the House report on RCRA states "It is the intent of the committee that responsibility for complying with the regulations pertaining to hazardous waste facilities rest equally with owners and operators of hazardous waste treatment, storage or disposal sites and facilities where the owner is not the operator." H.R. Rep. No. 94–1491, 94th Congress, 2d Sess. (1976).

Such language clearly shows that Congress intended owners, as well as operators, to be bound to both the regulations and the permit.

There are several purposes behind the requirement that an owner co-sign a RCRA permit application. One reason relates to the joint responsibility of the owner and operator. As outlined in the preamble to the May 19, 1980 regulations, there are requirements in the regulations with which only the owner can comply, such as the requirement in 40 CFR 264.120 and 265.120 that notice of land disposal activity be placed in the chain of title to the property (See 45 FR 33169, 33295 (May 19, 1980)).

A second purpose is to ensure that the owner is notified of the nature and extent of hazardous waste management activity taking place on his property and that he has notice that EPA considers him jointly and severally responsible for compliance with EPA's regulations and permit requirements. To ensure this knowledge, the owner is required to sign the permit application and certify familiarity with the information contained therein.

Third, where there is a default on any of the regulatory provisions, the Agency must attempt to gain compliance as quickly as possible. In doing so, the Agency may bring an enforcement action against either the owner or the operator, or both. The third purpose, therefore, for obtaining both the owner's and operator's signatures is to provide the Agency with an evidentiary document to use as an aid in implementing and enforcing the regulations.[6] The signed permit application established a *prima facie* case that the person is the owner of the facility, and that he has actual knowledge that hazardous wastes are being handled at the facility.

It is helpful, therefore, both from a practical and evidentiary standpoint to have the owner's signature on the application. Based on the language of RCRA and EPA's implementing regulations, however, the Agency

[5] The U.S. Department of Agriculture and the U.S. Department of the Interior have a substantial interest in this proposal as the managers of approximately 540 million acres of federal land. They are considered owners of HWM facilities because they own property upon which facilities are cited. (See definitions of "owner" and "facility" in 40 CFR 260.10 and 122.3).

[6] The owner and operator are bound to the regulations during interim status, but only to the permit once a permit has been issued, since compliance with a RCRA permit during its term constitutes compliance with Subtitle C of RCRA for enforcement purposes. (See 40 CFR 122.13(a)).

believes that the owner is legally bound by both the permit conditions and any independently enforceable regulations, whether or not he signs the permit application.

Although the Agency still feels that the reasons outlined above are valid reasons for requiring the owner to sign RCRA permit applications, the Agency is proposing today to provide a variance from this requirement in certain limited circumstances and to provide an alternate certification that the owner may use when the owner and operator are not the same person. The Agency believes that the amendments proposed today allow needed flexibilty in the regulations without sacrificing the goals of the regulations.

II. Proposed Amendments

The Agency is proposing to amend §§ 122.4(b) and 122.6(d) to (1) add a variance to the requirement that owners of HWM facilities must sign the RCRA permit application;[7] (2) add a notice which must be sent to owners who have not signed the permit application; and (3) add alternative certification language that an owner may use when the owner and operator of the facility are not the same person.

(1) *Variance from the requirement for the owner's signature.* The general rule remains that owners, as well as operators, must sign RCRA permit applications. However, EPA is proposing to give Directors [8] the discretion, providing certain prerequisites are satisfied, to waive the requirement for the owner's signature. The Director may waive the owner's signature only if the operator submits an explanation of why he has not been able to obtain the owner's signature, and why he believes the Director ought to waive it. The Director may then waive the requirement if the operator has met the following three requirements: (1) The operator has identified the owner; (2) the operator has sent a copy of the application with a copy of the notice proposed today in § 122.4(b)(2) to the owner by certified mail; and (3) the operator is able to assure compliance with all applicable standards and permit conditions.

If all of the above conditions are met, the Director has the discretion to waive the requirement. In so deciding, he may consider any factors he deems relevant including, but not limited to, the number and kind of attempts the operator has made to obtain the owner's signature, the financial responsibility of the operator, and the nature of the owner's interest in the facility. He may also want to look at the type fo facility (*i.e.*, is it a landfill or a container storage facility) and the facility's compliance record during interim status.

The Agency is also proposing today that the general rule be that the owner need not sign the RCRA permit application where the owner is a federal, state or local governmental entity. The Director must accept the application without the government entity's signature if the operator (1) has identified the owner; (2) is able to assure compliance with all applicable standards and permit conditions, and (3) has sent a copy of the notice proposed today in § 122.4(b)(2) by certified mail to the head of the agency with primary responsibility for managing the land or to another person designated by the applicable government entity to receive such a notice.

These proposals should enable most operators who have made reasonable efforts to obtain the owner's signature on the permit application, but cannot, to apply for a RCRA permit. The exceptions would be the operator who is not able to identify the owner; the operator who cannot comply with all of the applicable standards and permit conditions, *e.g.*, those that cannot themselves ensure financial responsibility or control of the facility during the post-closure care period; and operators of land disposal facilities that cannot comply with the requirement of §§ 264.120 or 265.120, that the owner record a notice in the deed or other appropriate instrument of the hazardous waste disposal activity occurring on the property. In these situations, and in whatever others the Director deems appropriate, a RCRA permit may not be issued without the owner's signature on the application.

(2) *Notice to owners who do not co-sign.* An integral part of the waiver of the owner's signature is the requirement that a notice be sent to those owners who do not sign the permit application. This notice is designed to fulfill the notification function of the signature which is being waived. The notice proposed today in § 122.4(b)(2) is designed to ensure that owners who do not sign the permit application are aware that they are jointly responsible for compliance with the regulations and any permit issued pursuant to those regulations.

This notice is only required when the owner does not sign the permit application. Where the owner and operator are different persons, but the owner has signed the application, this notice is not required. Where the owner and operator are the same person, the notice is obviously not required.

(3) *Alternate certification.* Under § 122.6(d) of the present regulations, any person signing a RCRA permit application must make the following certification:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

On August 6, 1980, EPA clarified how extensive an inquiry this certification requires (see 45 FR 52149). EPA clarified that the signer must make a "good faith effort" to ascertain whether the information is true, accurate, and complete. The inquiry must provide a "reasonable basis" to decide if the information meets the standard. Although the nature and extent of the required inquiry may vary on a case-by-case basis, the signer must inquire of the person or persons who supervised the collection of the information. This certification has been challenged as unnecessarily stringent and inefficient.[8]

The Agency agrees that this certification can be quite burdensome for owners who are nto also operators. In large corporations and government agencies, it may be impossible for the person signing the permit application as an owner but not an operator, to personally examine every permit application, or to question all the

[7] The signature requirement and the variance proposed today apply to both Part A and Part B of the permit application.

[8] The term Director as used in the consolidated permit regulations, is defined to mean the EPA Regional Administrator or the Director of an authorized state program, as the circumstances require. See 40 CFR 122.1. The change proposed today is to the Federal regulations. If promulgated, authorized states would be allowed to have equivalent or more stringent requirements than those proposed today.

[8] As part of the settlement of the common issues in the *NRDC* v. *EPA* lawsuit, the Agency is proposing, separate from this action, to change the certification in § 122.6(d). The proposed certification which must be made if the owner and operator are the same person reads: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (47 FR 25546, June 14, 1982).

individuals responsible for obtaining the information. Therefore, EPA is proposing an alternate certification to the one quoted above, that may be used by an owner when the owner and operator are not the same person. The alternate language requires the owner to certify that he understands that the application is submitted for the purpose of obtaining a permit to operate a hazardous waste management facility on the described property, and that he understands that he and the facility operator are jointly responsible for compliance with both the regulations at 40 CFR Parts 122, 264, 265, and 267, and any permit issued pursuant to those regulations. Owners of land disposal facilities must certify that they understand that they are also responsible for providing the notice in the deed to the property required by 40 CFR 264.120 and 265.120.

Under this proposed certification, owners who are not operators of a facility need not certify under penalty of law that they have personally examined the information submitted in the document. They need not inquire of the persons immediately responsible for obtaining the information. The proposed alternate language fulfills the purpose of the original certification with regard to owners who are not also operators with much less burden on them.

Although this proposal does not incorporate the exact language proposed in the USDA–DOI petition for rulemaking, it fulfills their request that a government agency certify merely that (1) it has reviewed the permit application to the extent necessary to be aware of its contents and (2) it understands that it is jointly liable for compliance with the regulations.

The alternate language may not be used by operators. An operator must still assure that the information was gathered properly, under his supervision, and that he knows that the information is true, accurate, and complete.

III. Request for Comments

The Agency invites comments on all aspects of these proposed regulations and all issues discussed in the preamble. EPA anticipates that finalization of today's proposal will provide part of the basis for the settlement of the *NRDC* v. *EPA* litigation affecting the RCRA portion of the consolidated permit regulations. EPA has also tentatively decided to grant the petition for modification of the rules submitted by USDA and DOI, although not using exactly the same regulatory language as submitted. However, EPA will carefully consider all public comments on this proposal before making its final decision.

IV. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations, and revisions thereto take effect 6 months after their promulgation. In addition, section 553(d) of the Administrative Procedure Act requires publication of a substantive rule not less than 30 days before its effective date. The purpose of these requirements is to allow the regulated community sufficient lead time to prepare to comply with major new regulatory requirements. For the amendments proposed today, however, the Agency believes that an effective date 30 days or 6 months after promulgation would cause substantial and unnecessary disruption in the implemention of the regulations and would contravene the purpose of these amendments. These amendments, if promulgated in final form, would allow an operator to obtain a RCRA permit without the owner's signature, which is sometimes impossible to obtain. The Agency believes that this is not the type of regulation that Congress had in mind when it provided a delay between the promulgation and the effective date of revisions to regulations. Consequently, EPA believes that it will have good cause to make these amendments effective immediately if and when they are promulgated in final form, but requests comments on whether such action would cause hardship for the regulated community or would otherwise be inappropriate.

V. Executive Order 12291

Under Executive Order 12291, (46 FR 12193, February 19, 1981), EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. A major rule is defined as a regulation which is likely to result in:

—An annual effect on the economy of $100 million or more;
—A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or
—Significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation is not major because it will not result in an effect on the economy of $100 million or more, nor will it result in a major increase in costs or prices to consumers, industry or government entities. Rather, the effect is to enable certain operators of hazardous waste management facilities to obtain permits without the owner's signature. There will be no adverse impact on the ability of the U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Because this amendment is not a major regulation, no Regulatory Impact Analysis is being prepared.

This amendment was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Office of Solid Waste Docket, Room S–269, U.S. EPA, 401 M St. S.W., Washington, D.C. 20460.

VI. President's Task Force

The President's Task Force on Regulatory Relief designated the consolidated permit regulations (40 CFR Parts 122–124) for review by EPA. This proposal supports the goals of the Task Force by reducing the burden on the regulated community. These proposed amendments also fulfill EPA's obligations for the settlement of this issue in industry litigation on the consolidated permit regulations.

In addition to settling the litigation, this year the Agency will also propose:

- other substantive changes to further streamline the Agency's permitting processes;
- to deconsolidate the regulations and make them easier for the public to use.

As a result of deconsolidation, the regulations will be reorganized. Thus this proposed amendment may be finalized in somewhat different format and location than proposed today.

VII. Paperwork Reduction Act

The information provisions that are included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under section 3504(b) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Any final rule will explain how its reporting or recordkeeping provisions respond to any comments by OMB or the public.

VIII. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, whenever an agency is required to publish a general notice of proposed rulemaking, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the proposed rule on small entities (i.e., small businesses, small organizations,

and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will not have a significant economic impact on a substantial number of small entities because it reduces regulatory requirements by providing a variance from a currently inflexible requirement. Accordingly, I hereby certify this proposed regulation, if issued in final form, will not have a significant economic impact on a substantial number of small entities.

IX. List of Subjects in 40 CFR Part 122

Administrative practice and procedure, Air pollution control Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Confidential business information.

Dated: July 16, 1982.

Anne M. Gorsuch,

Administrator.

It is proposed that 40 CFR Part 122 be amended as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM; THE HAZARDOUS WASTE PERMIT PROGRAM; AND THE UNDERGROUND INJECTION CONTROL PROGRAM

1. The authority for Part 122 is proposed to read as follows:

Authority: These regulations are issued under the authority of the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*, the Safe Drinking Water Act, 42 U.S.C. 300f *et seq.*; the Clean Water Act, 33 U.S.C. 1251 *et seq.*; the Clean Air Act, 42 U.S.C. 1857 *et seq.*

2. In Part 122 it is proposed that § 122.4(b) be revised to read as follows:

§ 122.4 Application for a permit.

* * * * *

(b) Who applies? When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

(1) *For RCRA only,* the owner must also sign the permit application, except that the Director may determine, in his or her discretion, that the application need not bear the owner's signature. The operator may request that the Director waive the requirement that the facility owner sign the permit application by submitting to the Director a written explanation of why he has not been able to obtain the owner's signature and why he believes the Director ought to waive it and, in addition, by demonstrating that he has met the following three requirements: (i) The operator has identified the owner; (ii) the operator has sent a copy of the application with a copy of the notice in paragraph (b)(2) of this section to the owner by certified mail; and (iii) the operator is able to assure compliance with all applicable standards and permit conditions. In deciding whether to waive the requirement that the facility owner sign the application, the Director may consider any factors he or she deems relevant including, but not limited to, the number and kind of attempts the operator has made to obtain the owner's signature, the financial responsibility of the operator, the number of owners, the relationship between the owner and the operator, and the nature of the owner's interest in the facility. In cases where the owner is a federal, state, or local governmental entity, the Director shall accept the application without the owner's signature if the applicant shows compliance with requirements (b)(1) (i) and (iii) of this section and has sent a copy of the application with a copy of the notice in paragraph (b)(2) of this section by certified mail to the head of the agency with primary responsibility for managing the land or to another person designated by the applicable governmental entity to receive such an application.

(2) *For RCRA only, notice to be sent to owners who have not signed the permit application.* This application is being submitted to the U.S. Environmental Protection Agency for the purpose of obtaining a permit to operate a hazardous waste management facility on the property as described. As owner of the property/facility, EPA considers you and (insert name of facility operator), the facility operator, jointly responsible for compliance with both the regulations at 40 CFR Parts 122, 264, 265 and 267 and any permit issued pursuant to those regulations.

* * * * *

3. In Part 122, it is proposed that § 122.6 be amended by designating the quotation in (d) as (d)(1), by revising the introductory text of (d), and by adding (d)(2) as follows:

§ 122.6 Signatures to permit applications and reports.

* * * * *

(d) *Certification.* Any person signing a document under paragraph (a) or (b) of this section shall make the certification in subparagraph (1), except that in making an application under paragraph (a) of this section, owners of RCRA facilities may make the certification in subparagraph (2) when the owner and operator are not the same person:

(1) * * *

(2) "I certify that I understand that this application is submitted for the purpose of obtaining a permit to operate a hazardous waste management facility on the property as described. As owner of the property/facility, I understand fully that the facility operator and I are jointly and severally responsible for compliance with both the regulations at 40 CFR Parts 122, 264, 265 and 267, and any permit issued pursuant to those regulations." *For owners of land disposal facilities, add:* "I further understand that I am responsible for providing the notice in the deed to the property required by 40 CFR 264.120 and 265.120."

* * * * *

[FR Doc. 82-19880 Filed 7-22-82; 8:45 am]

BILLING CODE 6560-50-M

federal register

Friday
July 23, 1982

Part IV

Department of the Treasury

Fiscal Service

Money and Finance; Exchange of Paper Currency and Coin

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 100

Money and Finance; Exchange of Paper Currency and Coin

AGENCY: Bureau of Government Financial Operations, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: These technical amendments are necessary because present regulations contain a limited amount of information with regard to Treasury's liability in the redemption of mutilated paper currency and no information concerning the responsibility of the public when remitting mutilated paper currency for redemption. The purpose of these amendments is to provide the public with additional information as to where mutilated paper currency is to be submitted, how it is to be packaged, and Treasury's liability. In addition, these amendments have been made to reflect changes in the coin and currency distribution function of the Federal Reserve banks.

EFFECTIVE DATE: July 15, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Coffey, Currency Operations Division, Bureau of Government Financial Operations, Room 331–11, BEPA, Department of the Treasury, Washington, D.C. 20226 (202–447–0545).

SUPPLEMENTARY INFORMATION: Since the only effect of these regulations is to provide information to the public, public notice of proposed rule making was determined to be unnecessary in accordance with 5 U.S.C. 553(b)(B).

(Sec. 3646 of the Revised Statutes of the United States; 31 U.S.C. 773a)

This document does not meet Treasury's criteria for a significant regulation.

List of Subjects in 31 CFR Part 100

Currency, Gold, Silver.

33 CFR Part 100 is revised to read as follows:

PART 100—EXCHANGE OF PAPER CURRENCY AND COIN

Sec.

100.2 Scope of regulations; transactions effected through Federal Reserve banks and branches; distribution of coin and currencies.

Subpart A—In General

100.3 Lawfully held coins and currencies in general.
100.4 Gold coin and gold certificates in general.

Subpart B—Exchange of Mutilated Paper Currency

100.5 Mutilated paper currency.
100.6 Destroyed paper currency.
100.7 Treasury's liability.
100.8 Packaging of mutilated currency.
100.9 Where mutilated currency should be transmitted.

Subpart C—Exchange of Coin

100.10 Exchange of uncurrent coins.
100.11 Exchange of bent and partial coins.
100.12 Exchange of fused and mixed coins.
100.13 Criminal penalties.

Subpart D—Other Information

100.16 Exchange of paper and coin to be handled through Federal Reserve banks and branches.
100.17 Location of Federal Reserve banks and branches.
100.18 Counterfeit notes to be marked; "redemption" of notes wrongfully so marked.
100.19 Disposition of counterfeit notes and coins.

Authority: Sec. 1, 49 Stat. 938; 31 U.S.C. 773a.

§ 100.2 Scope of regulations; transactions effected through Federal Reserve banks and branches; distribution of coin and currencies.

The regulations in this part govern the exchange of the coin and paper currency of the United States (including national bank notes and Federal Reserve bank notes in process of retirement and Federal Reserve notes). Under authorization in the act approved May 29, 1920, 41 Stat. 655 (31 U.S.C. 476), the Secretary of the Treasury transferred to the Federal Reserve banks and branches the duties and functions performed by the former Assistant Treasurers of the United States in connection with the exchange of paper currency and coin of the United States. Except for the duties in this respect to be performed by the Treasurer of the United States and the Director of the Mint, as may be indicated from time to time by the Secretary of the Treasury, exchanges of the paper currency and coin of the United States and the distribution and replacement thereof will, so far as practicable, be effected through the Federal Reserve banks and branches. The Federal Reserve banks and branches are authorized to distribute available supplies of coin and currency to depository institutions, as that term is defined in Section 103 of the Monetary Control Act of 1980 (Pub. L. 96–221). As authorized by Section 107 of the Act, transportation of coin and currency and coin wrapping services will be provided according to a schedule of fees established by the Board of Governors of the Federal Reserve System. Inquiries by depository institutions regarding distribution and related services should be addressed to the Federal Reserve bank of the district where the institution is located.

Subpart A—In General

§ 100.3 Lawfully held coin and currencies in general.

The official agencies of the Department of the Treasury will continue to exchange lawfully held coins and currencies of the United States, dollar for dollar, for other coins and currencies which may be lawfully acquired and are legal tender for public and private debts. Paper currency of the United States which has been falsely altered and coins altered to render them for use as other denominations will not be redeemed since such currency and coins are subject to forfeiture under title 18, United States Code, section 492. Persons receiving such currency and coins should notify immediately the nearest local office of the U.S. Secret Service of the Department of the Treasury, and hold the same pending advice from the Service.

§ 100.4 Gold coin and gold certificates in general.

Gold coins, and gold certificates of the type issued before January 30, 1934, are exchangeable, as provided in this part, into other currency or coin which may be lawfully issued.

Subpart B—Exchange of Mutilated Paper Currency

§ 100.5 Mutilated paper currency.

(a) Lawfully held paper currency of the United States which has been mutilated will be exchanged at face amount if clearly more than one-half of the original whole note remains. Fragments of such mutilated currency which are not clearly more than one-half of the original whole note will be exchanged at face value only if the Commissioner, Bureau of Government Financial Operations, Department of the Treasury, is satisfied that the missing portions have been totally destroyed. The Commissioner's judgment shall be based on such evidence of total destruction as is necessary and shall be final.

(b) *Definitions*

(1) Mutilated currency is currency which has been damaged to the extent that (i) one-half or less of the original note remains or (ii) its condition is such that its value is questionable and the currency must be forwarded to the Treasury Department for examination

by trained experts before any exchange is made.

(2) Unfit currency is currency which is unfit for further circulation because of its physical condition such as torn, dirty, limp, worn or defaced. Unfit currency should not be forwarded to the Treasury, but may be exchanged at commercial banks.

§ 100.6 Destroyed paper currency.

No relief will be granted on account of lawfully held paper currency of the United States which has been totally destroyed.

§ 100.7 Treasury's liability.

(a) Payment will be made to lawful holders of mutilated currency at full value when:

(1) Clearly more than 50% of a note identifiable as United States currency is present; or

(2) Fifty percent or less of a note identifiable as United States currency is present and the method of mutilation and supporting evidence demonstrate to the satisfaction of the Treasury that the missing portions have been totally destroyed.

(b) No payments will be made when:

(1) Fragments and remnants presented are not identifiable as United States currency; or

(2) Fragments and remnants presented which represent 50% or less of a note are identifiable as United States currency but the method of destruction and supporting evidence do not satisfy the Treasury that the missing portion has been totally destroyed.

(c) All cases will be handled under proper procedures to safeguard the funds and interests of the claimant. In some cases, the amount repaid will be less than the amount claimed. In other cases, the amount repaid may be greater. The amount paid will be determined by an examination made by trained mutilated currency examiners and governed by the above criteria.

(d) The Commissioner of the Bureau of Government Financial Operations shall have final authority with respect to settlements for mutilated currency claims.

§ 100.8 Packaging of mutilated currency.

Mutilated currency examiners are normally able to determine the value of mutilated currency when it has been carefully packed and boxed as described below:

(a) Regardless of the condition of the currency, do not disturb the fragments more than is absolutely necessary.

(b) If the currency is brittle or inclined to fall apart, pack it carefully in cotton and box it as found, without disturbing the fragments, if possible.

(c) If the money was in a purse, box, or other container when mutilated, it should be left therein, if possible, in order to prevent further deterioration of the fragments or from their being lost.

(d) If it is absolutely necessary to remove the fragments from the container, send the container with the currency and any other contents found, except as noted in h below.

(e) If the money was flat when mutilated, do not roll or fold.

(f) If the money was in a roll when mutilated, do not attempt to unroll or straighten.

(g) If coin or any other metal is mixed with the currency, remove carefully. Do not send coin or other metal in the same package with mutilated paper currency, as the metal will break up the currency. Coin should be forwarded as provided in Section 100.12 (c) and (d).

(h) Any fused or melted coin should be sent to: Superintendent, United States Mint, P.O. Box 400, Philadelphia, PA 19105.

§ 100.9 Where mutilated currency should be transmitted.

Mutilated currency shipments must be addressed as follows: Department of the Treasury, Bureau of Government Financial Operations, Room 132, Treasury Annex No. 1, DCS/BEPA, Washington, D.C. 20226.

Subpart C—Exchange of Coin

§ 100.10 Exchange of uncurrent coins.

(a) *Definition.* Uncurrent coins are whole U.S. coins which are merely worn or reduced in weight by natural abrasion yet are readily and clearly recognizable as to genuineness and denomination and which are machine countable.

(b) *Redemption Basis.* Uncurrent coins will be redeemed at face value.

(c) *Criteria for acceptance.* Uncurrent coins, forwarded for redemption at face value, must be shipped at the expense and risk of the owner. Shipments of subsidiary or minor coins for redemption at face value should be sorted by denomination into packages in sums of multiples of $20. Not more than $1,000 in any silver or clad coin, $200 in 5-cent pieces, or $50 in 1-cent pieces should be shipped in one bag or package.

(d) *Redemption sites.* Uncurrent coins will be redeemed only at the Federal Reserve banks and branches listed in § 100.17.

§ 100.11 Exchange of bent and partial coins.

(a) Definitions.

(1) Bent coins are U.S. coins which are bent or deformed so as to preclude normal machine counting but which are readily and clearly identifiable as to genuineness and denomination.

(2) Partial coins are U.S. coins which are not whole; partial coins must be readily and clearly identifiable as to genuineness and denomination.

(b) *Redemption basis.* Bent and partial coins shall be redeemed on the basis of their weight and denomination category rates, (which is the weight equivalent of face value) provided such coins are presented separately by denomination category in lots of at least one pound for each category. Bent and partial coins not presented separately by denomination category will be redeemed as mixed coins. Denomination categories and rates are 1. Cents, @ $1.4585 per pound 2. Nickels, @ $4.5359 per pound 3. Dimes, Quarters, Halves, and Eisenhower Dollars @ $20.00 per pound and 4. Anthony Dollars @ $56.00 per pound. Copper plated zinc cents shall be redeemed at the face value equivalent of copper one cent coins.

(c) *Redemption Site.* Bent and partial coins will be redeemed only at the United States Mint, P.O. Box 400, Philadelphia, PA 19105. Coins are shipped at sender's risk and expense.

§ 100.12 Exchange of fused and mixed coins.

(a) Definitions.

(1) Fused coins are U.S. coins which are melted to the extent that they are bonded together and the majority of which are readily and clearly identifiable as U.S. coins.

(2) Mixed coins are U.S. coins of several alloy categories which are presented together, but are readily and clearly identifiable as U.S. coins.

(b) Redemption basis.

(1) Fused and mixed coins shall be redeemed at the lesser of:

(i) The inventory value of the copper and nickel as priced in the Philadelphia Mint, Coinage Metal Account at the end of the preceding calendar quarter or;

(ii) $1.5327 per pound of contained copper, which is the face value equivalent of a pound of copper in the copper one-cent coin plus $18.1442 per pound of contained nickel which is the face value equivalent of a pound of nickel in the five cent coin.

(2) The redemption rate (discussed in subparagraph (1)(a)) will take effect on the 15th day of each new calendar quarter.

(c) Criteria for acceptance.

(1) A minimum of two pounds of fused and mixed coins is required for redemption.

(2) Fused and mixed coins containing lead, solder, or other substance which will render them unsuitable for coinage metal will not be accepted.

(d) Redemption site. Fused and mixed coins will be redeemed only at the United States Mint, P.O. Box 400, Philadelphia, PA 19105. Coins are shipped at sender's risk and expense.

§ 100.13 Criminal penalties.

Criminal penalties connected with the defacement or mutilation of U.S. coins are provided in the United States Code, Title 18, Section 331.

Subpart D—Other Information

§ 100.16 Exchange of paper and coin to be handled through Federal Reserve banks and branches.

Other than as provided in this document all transactions including the exchange of paper currency and coin shall be handled through the Federal Reserve banks and branches.

§ 100.17 Location of Federal Reserve banks and branches.

Federal Reserve Bank and Address

Boston—600 Atlantic Avenue, Boston, MA 02106
New York—33 Liberty Street (Federal Reserve P.O. Station), New York, NY 10045
Buffalo Branch—160 Delaware Avenue (P.O. Box 961), Buffalo, NY 14240
Philadelphia—100 North Sixth Street (P.O. Box 66), Philadelphia, PA 19105
Cleveland—1455 East Sixth Street (P.O. Box 6387), Cleveland, OH 44101
Cincinnati Branch—150 East Fourth Street (P.O. Box 999), Cincinnati, OH 45201
Pittsburgh Branch—717 Grant Street (P.O. Box 867), Pittsburgh, PA 15230
Richmond—701 East Byrd Avenue (P.O. Box 27622), Richmond, VA 23261
Baltimore Branch—114–120 East Lexington Street (P.O. Box 1378), Baltimore, MD 21203
Charlotte Branch—401 South Tryon Street (P.O. Box 30248), Charlotte, NC 28230
Atlanta—104 Marietta Street, NW., Atlanta, GA 30303
Birmingham Branch—1801 Fifth Avenue, North (P.O. Box 10447), Birmingham, AL 35202
Jacksonville Branch—515 Julia Street Jacksonville, FL 32231
Miami Branch—9100 NW., 36th Street (P.O. Box 520847), Miami, FL 33152
Nashville Branch—301 Eighth Avenue, North, Nashville, TN 37203
New Orleans Branch—525 St. Charles Avenue (P.O. Box 61630), New Orleans, LA 70161
Chicago—230 South LaSalle Street (P.O. Box 834), Chicago, IL 60690
Detroit Branch—160 Fort Street, West (P.O. Box 1059), Detroit, MI 48231
St. Louis—411 Locust Street (P.O. Box 442), St. Louis, MO 63166
Little Rock Branch—325 West Capitol Avenue (P.O. Box 1261), Little Rock, AR 72203
Louisville Branch—410 South Fifth Street (P.O. Box 32710), Louisville, KY 40232
Memphis Branch—200 North Main Street (P.O. Box 407), Memphis, TN 38101
Minneapolis—250 Marquette Avenue, Minneapolis, MN 55480
Helena Branch—400 North Park Avenue, Helena, MT 59601
Kansas City—925 Grand Avenue (Federal Reserve Station), Kansas City, MO 64198
Denver Branch—1020 16th Street (P.O. Box 5228, Terminal Annex), Denver, CO 80217
Oklahoma City Branch—226 Northwest Third Street (P.O. Box 25129), Oklahoma City, OK 73125
Omaha Branch—102 South Seventeenth Street, Omaha, NB 68102
Dallas—400 South Akard Street (Station K), Dallas, TX 75222
El Paso Branch—301 East Main Street (P.O. Box 100), El Paso, TX 79999
Houston Branch—1701 San Jacinto Street (P.O. Box 2578), Houston, TX 77001
San Antonio Branch—126 East Nueva Street (P.O. Box 1471), San Antonio, TX 78295
San Francisco—400 Sansome Street (P.O. Box 7702), San Francisco, CA 94120
Los Angeles Branch—409 West Olympic Boulevard (P.O. Box 2077), Los Angeles CA 90051
Portland Branch—915 SW Stark Street (P.O. Box 3436), Portland, OR 97208
Salt Lake City Branch—120 South State Street (P.O. Box 30780), Salt Lake City, UT 84125
Seattle Branch—1015 Second Avenue (P.O. Box 3567), Seattle, WA 98124

§ 100.18 Counterfeit notes to be marked; "redemption" of notes wrongfully so marked.

The act of June 30, 1876 (19 Stat. 4; 31 U.S.C. 424), provides that all U.S. Officers charged with the receipt or disbursement of public moneys, and all officers of national banks, shall stamp or write in plain letters the word "counterfeit," "altered," or "worthless" upon all fraudulent notes issued in the form of, and intended to circulate as money, which shall be presented at their places of business; and if such officers shall wrongfully stamp any genuine note of the United States, or of the national bank, they shall, upon presentation, "redeem" such notes at the face amount thereof.

§ 100.19 Disposition of counterfeit notes and coins.

All counterfeit notes and coin found in remittances are cancelled and delivered to the U.S. Secret Service of the Department of the Treasury or to the nearest local office of that Service, a receipt for the same being forwarded to the sender. Communications with respect thereto should be addressed to the Director, U.S. Secret Service, Department of the Treasury, Washington, DC 20223.

Dated: July 15, 1982.

W. E. Douglas,

Commissioner.

[FR Doc. 82-19950 Filed 7-22-82; 8:45 am]

BILLING CODE 4810-35-M

federal register

Friday
July 23, 1982

Part V

Department of the Interior

Bureau of Land Management

Proposed Standard Oil and Gas Lease Stipulations, Proposed Oil and Gas Lease Form Revision; and Public Meeting

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3000 and 3100

Proposed Standard Oil and Gas Lease Stipulations, Proposed Oil and Gas Lease Form Revision and a Public Meeting on the Proposed Stipulations, the Proposed Lease Form and To Review the Proposed Rulemaking on Oil and Gas Leasing

AGENCY: Bureua of Land Management, Interior.

ACTION: Publication of Proposed Standard Oil and Gas Stipulations, Proposed Oil and Gas Lease Form Revision and Providing for a Public Meeting on the Proposed Stipulations, the Proposed Lease Revision and to Allow Public Comment on the Proposed Rulemaking on Oil and Gas Leasing (43 CFR Parts 3000 and 3100).

SUMMARY: In an effort to streamline and standardize the stipulations that appear in an oil and gas lease, except for a few very special stipulations that will apply in very limited situations, the Bureau of Land Management has prepared and publishes herewith, a proposed set of standard stipulations for all oil and gas leases. Individual stipulations from this proposed set will be implemented and further specified, depending on surface conditions and proposed operations, when such activity is proposed. Also, in an effort to reduce paperwork and facilitate lease processing, the Bureau has proposed and publishes herewith a proposed multipurpose lease form to replace all other oil and gas lease forms except that used for lands in the National Petroleum Reserve—Alaska. The public is asked to submit its written comments on these proposed items. As a further effort to give the public an opportunity to present its comments on these items and on the proposed rulemaking on Oil and Gas Leasing (43 CFR Parts 3000 and 3100), published in the **Federal Register** on June 30, 1982 (47 FR 28550), a public meeting will be held in Salt Lake City, Utah.

DATE: Comments on the proposed stipulations and proposed lease form should be submitted by August 25, 1982. A public meeting will be held at 9:00 a.m. on August 24, 1982.

ADDRESS: Written comments on the proposed stipulations and the proposed lease form should be sent to and copies of the proposed lease form and proposed stipulations may be obtained from: Director (530), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

The public meeting on the proposed stipulations, the proposed lease form and proposed rulemaking will be held at: Salt Palace, Suite E, 100 South W. Temple, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Jeffrey F. Zabler or Raul Martinez (202) 343–7722.

SUPPLEMENTARY INFORMATION: This notice requests written comment on a proposed oil and gas lease form and proposed stipulations. It also provides notification that a public meeting will be held to allow the public to give its comments on the proposed stipulations and proposed form. The stipulations and form are not a rulemaking, however, the Bureau of Land Management wishes to obtain public input into its decisionmaking process on these proposals.

Proposed Lease Form

At present, the Bureau of Land Management utilizes a number of lease forms in issuing oil and gas leases. Each form differs in several ways depending on the type of lease or lands applied for or the manner in which the lease is awarded. The use of so many different forms has been a cause of considerable paperwork, differing procedures in forms management and execution, and time and expense within the Bureau. It also has been a source of confusion among the public. In an effort to streamline procedures, contain costs, speed processing and reduce confusion, the Bureau has developed a single lease form which can be used to issue any type of lease except for competitive leases in the National Petroleum Reserve—Alaska. The Bureau will use such form, if adopted, to issue all leases except for those in the National Petroleum Reserve—Alaska. The proposed form incorporates provisions to indicate the type of lease being issued and clearly states which provisions apply to such lease where differences, if any, exist. The public will only use such a form for making applications for noncompetitive leases by regular offer. In using the proposed form, the public need only indicate whether they are applying for public domain or acquired lands as they do now by use of separate forms. For types of leasing other than by regular offer for noncompetitive leases, the public, as at present, does not use the lease form itself to make application.

An additional change in the lease form is that if the proposed nationwide Notice of Stipulations is adopted it will be incorporated at Part III on a single separate sheet in the lease form. At present, stipulaitons are not enumerated in the lease form but are attached to the lease or to permits issued subsequent to the lease.

The proposed form is as follows:

BILLING CODE 4310-84-M

Form
(Sides 1 and 2)
Type or print plainly in ink
and sign in ink.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Office _____
Serial No. _____
Agency code _____

OFFER TO LEASE AND LEASE FOR OIL AND GAS

The undersigned hereby offers to lease and enters into this indenture to lease all or any of the lands described in Item 2 that are available for lease, pursuant and subject to as appropriate, the terms and provisions of the Acts of February 25, 1920 (41 Stat. 437, 30 U.S.C. sec. 181), and August 7, 1947 (61 Stat. 913, 30 U.S.C. 351-359), as amended, and to all reasonable regulations and stipulations as the Secretary of the Interior may apply now or hereafter, when not inconsistent with any express and specific provisions herein, which are made a part hereof.

Read Instructions Before Completing

1.
Name
Street
City, State
Zip Code

This offer/lease is for: (Check One Only) ☐ Public Domain Lands ☐ Acquired Lands

2. Give legal description of land requested:
State County T. R. : Meridian

(Blank space omitted)

U.S. interest if less than 100 percent
Total area _____ acres

Amount remitted: Filing fee $ _____ , Rental $ _____ , Total $ _____

Surface managing agency if other than BLM: _____ Unit/Project _____

DO NOT WRITE BELOW THIS LINE

3. Land included in lease:
☐ Same as Item 2, if checked.
State County T. R. : Meridian

(Blank space omitted)

U.S. interest if less than 100 percent
Total area _____ acres
Rental retained $ _____

This lease for the lands described in Item 3 above is hereby issued, subject to the provisions of the offer or simultaneous oil and gas entry form, as appropriate and the terms, conditions and stipulations contained herein (Parts II & III) or as attached.

The term of this lease is FIVE YEARS if issued as the result of competitive bid; TEN YEARS if issued noncompetitively; or TEN YEARS if a renewal lease.

Effective date of lease _____

☐ Competitive lease
☐ Regular noncompetitive lease
☐ Noncompetitive simultaneous lease
☐ _____

THE UNITED STATES OF AMERICA

by _____
(Signing Officer)

_____ _____
(Title) (Date)

Issuing Office/Address:

THIS OFFER WILL BE REJECTED AND WILL AFFORD THE OFFEROR NO PRIORITY IF IT IS NOT PROPERLY FILLED IN AND EXECUTED OR IF IT IS NOT ACCOMPANIED BY THE REQUIRED PAYMENTS.

BILLING CODE 4310-84-C

4. Undersigned certifies as follows:

(a) Offeror is a citizen of the United States; an association/partnership of such citizens; a municipality; a corporation composed of citizens organized under the laws of the United States or of any State or territory thereof, or aliens of which the customs or regulations of their country do not deny similar or like privileges to citizens or corporations of the United States.

(b) That all parties holding an interest in the offer are in compliance with the regulations (43 CFR 3100) and Acts of February 25, 1920 and August 7, 1947, as amended.

(c) Offeror's interests, direct and indirect, do not exceed 200,000 acres in oil and gas options or 246,080 chargeable acres in options and leases in the same State, or 300,000 chargeable acres in leases and options in each leasing District in Alaska.

(d) Offeror accepts as a part of this lease, to the extent applicable, the stipulations provided for in 43 CFR 3100.

(e) Offeror is not considered a minor under the laws of the State in which the lands covered by this offer are located.

(f) Offeror's signature to this offer shall also constitute offeror's signature to and acceptance of this lease, all terms, conditions, stipulations and restrictions pertaining thereto and any amendment thereto that may cover any land described in this offer open to lease application at the time this offer was filed but omitted for any reason from this lease, or signature thereto or acceptance of, any separate lease for such land. The offeror further agrees that this offer cannot be withdrawn, either in whole or part, unless the withdrawal is received by the BLM State Office before this lease, an amendment to this lease, or a separate lease, whichever covers the land described in the withdrawal, has been signed on behalf of the United States.

(g) If this lease form does not contain all of the terms and conditions of the lease form in effect at the date of filing the offeror further agrees to be bound by the terms and conditions contained in that form.

18 U.S.C Sec. 1001 makes it a crime for any person knowingly and willfully to make to any Department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

Duly executed this _____ day of _____ 19__.

_____
(Lessee Signature)

_____
(Attorney-in-fact)

_____
(Lessee Signature)

Offer To Lease/Lease for Oil and Gas—Part II—Terms

Sec. 1. Rights of lessee—The Lessee is granted the exclusive right and privilege to drill for, mine, extract, remove, and dispose of all the oil and gas deposits, including gaseous and nongaseous hydocarbon substances not leasable as coal, oil shale or gilsonite pursuant to the Combined Hydocarbon Lease Act of 1981 (Pub. L. 97–78), except helium gas, in the lands leased, together with the right to construct and maintain thereupon, all works or other improvements necessary to the full enjoyment thereof, for a period of 5 years if lease issued as the result of competitive lid or 10 years if issued noncompetitively, and so long thereafter as oil or gas is produced in paying quantities or in the case of renewal leases with a preferential right in lessee to renew this lease for successive periods of 10 years, upon such reasonable terms and conditions as may be prescribed by lessor, unless otherwise provided by law at expiration of such periods; subject to any unit agreement heretofore or hereafter approved by the Secretary of the Interior (hereafter, the Secretary), the provisions of said agreement to govern the lands subject thereto where inconsistent with the terms of this lease.

Sec. 2. The lessee agrees:

(a) Bonds—(1) to file any bond required by this lease and the current regulations and until such bond is filed not to enter on the land under this lease. (2) to maintain any bond furnished by the leasee as a condition for the issuance of this lease. (3) To furnish prior to beginning of drilling operations and maintain at all times thereafter as required by the lessor a bond in the penal sum of $10,000 with approved corporate surety, or with deposit of United States bonds as surety therefor, conditioned upon compliance with the terms of this lease, unless a bond in that amount is already being maintained or unless such a bond furnished by an operator of the lease is accepted.

(b) Cooperative or unit plan—Within 30 days of demand, or, if the leased land is committed to an approved unit or cooperative plan and such plan is terminated prior to the expiration of this lease, within 30 days of demand made thereafter, to subscribe to and operate under such reasonabale cooperative or unit plan for the development and operation of the area, field, or pool, or part thereof, embracing the lands included herein as the Secretary may

then determine to be practicable and necessary or advisable, which plan shall adequately protect the rights of all parties in interest, including the United States.

(c) Wells—(1) To drill and produce all wells necessary to protect the leased land from drainage by wells on lands not the property of the lessor, or lands of the United States leased at a lower royalty rate, or as to which the royalties and rentals are paid into different funds than are those of this lease; or in lieu of any part of such drilling and production, with the consent of the Director of the Minerals Management Service, to compensate the lessor in full each month for the estimated loss of royalty through drainage in the amount determined by said Director; (2) at the election of the lessee to drill and produce other wells in conformity with any system of well spacing or production allotments affecting the field or area in which the leased lands are situated, which is authorized and sanctioned by applicable law or by the Secretary of the Interior; and (3) promptly after due notice in writing to drill and produce such other wells as the Secretary may reasonably require in order that the leased premises may be properly and timely developed and produced in accordance with good operating practice.

(d) Rentals and royalties—(1) To pay rentals and royalties in amount or value of production removed or sold from the leased lands as follows:

Rentals—To pay the lessor in advance an annual rental:

(a) If the lands are wholly outside the known geologic structure of a producing oil or gas field: For each lease year a rental of $1.00 per acre or fraction of an acre except where the lease has been issued as the result of posting of lands and simultaneous drawing in which case the rental in the sixth of subsequent years is $3.00 per acre or fraction thereof.

(b) If the lands are wholly or partly within the known geologic structure of a producing oil or gas field: (i) Beginning with the first lease year after 30 days notice that all or part of the land is included in such a structure and for each year thereafter, prior to a discovery of oil or gas on the lands leased, $2.00 per acre or fraction of an acre, except on leases for which the annual rental is $3.00 per acre. (ii) If this lease is committed to an approved cooperative or unit plan which includes a well capable of producing oil or gas and contains a general provision for allocation of production, the rental prescribed for the respective lease years in subparagraph (a) of this section, shall apply to the acreage not within a participating area. Minimum royalty—Commencing with the lease year beginning on or after a discovery on the leased land, to pay the lessor in lieu of rental, a minimum royalty of $1 per acre or fraction thereof at the expiration of each lease year, or the difference between the actual royalty paid during the year if less than $1 per acre, and the prescribed minimum royalty of $1 per acre; Provided that if this lease is unitized, the minimum royalty shall be payable only on the participating acreage and rental shall be payable on the nonparticipating acreage as provided in subparagraph (b)(ii) above.

Royalty on Production—To pay the lessor 12½ percent royalty on the production removed or sold from the lands leased noncompetitively; or to pay the rentals and royalties set by regulations (43 CFR 3103.3) in force at the time of issuance, or as set out in the rental and royalty schedule attached hereto on production removed or sold from lands leased by competitive, renewal or future interest lease, computed in accordance with the Oil and Gas Operating Regulations (30 CFR 211).

(2) It is expressly agreed that the Secretary may establish reasonable minimum values for purposes of computing royalty on any or all oil, gas, natural gasoline, and other products obtained from gas, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by the lessee, to posted prices, and to other relevant matters and, whenever appropriate, after notice and opportunity to be heard.

(3) When paid in value, royalties on production shall be due and payable monthly on the last day of the calendar month next following the calendar month in which produced. When paid in amount of production, such royalty products shall be delivered in merchantable condition on the premises where produced without cost to lessor, unless otherwise agreed to by the parties hereto, at times and in tanks provided by the lessee as reasonably may be required by the lessor, but in no case shall the lessee be required to hold such royalty oil or other products in storage beyond the last day of the calendar month next following the calendar month in which produced nor be responsible or held liable for loss or destruction of royalty oil or other products in storage from causes beyond his control.

(4) Rentals or minimum royalties may be waived, suspended or reduced and royalties on the entire leasehold or any portion thereof segregated for royalty purposes may be reduced if the Secretary finds that, for the purpose of encouraging the greatest ultimate recovery of oil or gas and in the interest of conservation of natural resources, it is necessary, in his judgment, to do so in order to promote development, or because the lease cannot be successfully operated under the terms fixed herein.

(e) Payments—Unless otherwise directed by the Secretary, to make rental, royalty, or other payments to the lessor, to the order of the Bureau of Land Management or Minerals Management Service as set by regulation (43 CFR 3103). If there is no well on the leased lands capable of producing oil or gas in paying quantities, the failure to pay rental on or before the anniversary date shall automatically terminate the lease by operation of law. If the proper office is closed on the payment date payment must be made on the next official working day.

(f) Contracts for disposal of products—To file with the Minerals Management Service not later than 30 days after the effective date thereof any contract or evidence of other arrangement, for the sale or disposal of

oil, gas, natural gasoline, and other products of the leased land: Provided, That nothing in any such contract or other arrangement shall be construed as modifying any of the provisions of this lease.

(g) Statements, plats, and reports—At such times and in such form as the lessor may prescribe, to furnish detailed statements showing the amounts and quality of all products removed and sold from the lease, the proceeds therefrom, and the amount used for production purposes or unavoidably lost; a plat showing development work and improvements on the leased lands; and a report with respect to stockholders, investments, depreciation, and cost.

(h) Well Records—To keep a daily drilling record, a log, and complete information on all well surveys and tests in form acceptable to or prescribed by the lessor of all wells drilled on the leased lands, and an acceptable record of all subsurface investigations affecting said lands, and to furnish them, or copies thereof to the lessor when required. All information obtained under this paragraph, upon the request of the lessee, shall not be open to inspection by the public until expiration of the lease.

(i) Inspection—To keep open at all reasonable times for the inspection of any duly authorized officer of the Department, the leased premises and all wells, improvements, machinery, and fixtures thereon and all books, accounts, maps and records relative to operations and surveys or investigations on the leased lands or under the lease. All information obtained pursuant to any such inspection, upon the request of the lessee, shall not be open to inspection by the public until the expiration of the lease.

(j) Diligence, prevention of waste, health and safety of workmen—To exercise reasonable diligence in drilling and producing the wells herein provided for unless consent to suspend operations temporarily is granted by the lessor; to carry on all operations in accordance with approved methods and practice as provided in the Oil and Gas Operating Regulations, having due regard for the prevention of damage or waste of other resources, for the preservation and conservation of the property for future productive operations, and for the health and safety of workmen and employees; to plug property and effectively all wells drilled under this lease or of any prior lease or permit upon which the lease was predicated before abandoning the same; to carry out at expense of the lessee all reasonable orders of the lessors relative to the matters in this paragraph, and that on failure of the lessee so to do the lessor shall have the right to enter on the property and to accomplish the purpose of such orders at the lessee's cost; Provided, that the lessee shall not be held responsible for delays or casualties occasioned by causes beyond the lessee's control.

(k) Taxes and wages, freedom of purchase—To pay when due, all taxes lawfully assessed and levied under laws of the State or the United States upon improvements, oil and gas produced from the lands hereunder, or other rights, property, or assets of the lessee; to accord all workmen and employees complete freedom of purchase, and to pay all wages due workmen and employees at least twice each month in the lawful money of the United States.

(l) Equal opportunity and certification of nonsegregated facilities—The lessee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary issued pursuant thereto. The lessee further certifies that it does not and will not maintain segregated facilities and will comply with the applicable regulations of the Secretary of Labor relating to this certification.

(m) Assignment of oil and gas lease or interest therein—As required by applicable law, to file for approval by the lessor any instrument of transfer made of this lease or any interest therein, including assignments of record title, operating agreements and subleases, working or royalty interest.

(n) Pipelines to purchase or convey at reasonable rates and without discrimination—If owner, or operator or owner of a controlling interest in any pipeline or of any company operating the same which may be operated accessible to oil or gas derived from lands under this lease, to accept and convey and, if a purchaser of such products, to purchase at reasonable rates and without discrimination the oil or gas of the Government or of any citizen or company not the owner of any pipeline, operating a lease or purchasing or selling oil, gas, natural gasoline, or other products under the provisions of the Acts of February 25, 1920 (41 Stat. 437, 30 U.S.C. 181) or August 7, 1947 (61 Stat. 913, 30 U.S.C. sec. 351), (hereafter, Acts).

(o) Reserved deposits—To comply with all statutory requirements and regulations thereunder, if the lands embraced herein have been or shall hereafter be disposed of under the laws reserving to the United States the deposits of oil and gas therein, subject to such conditions as are or may hereafter be provided by the laws reserving such oil or gas.

(p) Damage to property—To pay the lessor or his tenant for damage to or destruction of property caused by lessee's operations hereunder, to save and hold the lessor harmless from all damage or claims for damage to persons or property resulting from the lessee's operations under this lease; and where the surface of the leased land is owned by other than the lessor, to pay such owner, or his tenant, for damage or injury to livestock, crops, trees, and improvements.

(q) Protection of the surface, natural resources and improvements—The lessee agrees to take reasonable steps to prevent any operations, from unnecessarily: (1) causing or contributing to soil erosion or damaging forage and timber on the leased lands or those lands in the vicinity, (2) polluting air and water; (3) damaging crops, forage, timber, or improvements of a surface owner: (4) damaging any improvements; (5) destroying, damaging or removing fossils, historic or prehistoric ruins, or artifacts; and upon any partial or total relinquishment or the cancellation or expiration of this lease or at any other time prior thereto when

required and to the extent deemed necessary by the lessor to fill any sump holes, ditches, and other excavations, remove or cover all debris, and so far as reasonably possible restore the surface of the leased land and access roads to its former condition, including the removal of structures as and if required. The lessor may prescribe the steps to be taken and restoration to be made with respect to the leased lands and improvements thereon, whether or not owned by the United States. When American antiquities or other objects of historic or scientific interest are discovered, the item(s) or condition(s) will be left intact and immediately brought to the lessor's attention.

(r) Reserved or segregated lands—If any of the land included in this lease is embraced in a reservation or segregated for any particular purpose, to conduct operations thereunder in conformity with such requirements as may be made by the Director, Bureau of Land Management, for the protection and use of the land for the purpose for which it was reserved or segregated, so far as may be consistent with the use of the land for the purpose of this lease, which later shall be regarded as the dominant use unless otherwise provided herein or separately stipulated.

(s) Overriding royalties—Not to create overriding royalties in excess of five percent except as otherwise authorized by the regulations.

(t) Deliver premises in cases of forfeiture—To deliver up to the lessor in good order and condition the land leased including all improvements which are necessary for the preservation of producing wells.

Sec. 3. The lessor reserves:

(a) Easements and rights-of-way—The right to permit for joint or several use easements or rights-of-way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same or of other lands containing the deposits described in the Acts, and the treatment and shipment of products thereof by or under authority of the government, its lessees or permittees, and for other public purposes.

(b) Disposition of surface—The right to lease, sell, or otherwise dispose of the surface of the leased lands under existing law or laws hereafter enacted, insofar as said surface is not necessary for the use of the lessee in the extraction and removal of the oil and gas therein, or to dispose of any resource in such lands which will not unreasonably interfere with operations under this lease.

(c) Monopoly and fair prices—Full power and authority to promulgate and enforce all orders necessary to insure the sale of the production of the leased lands to the United States and to the public at reasonable prices, to protect the interests of the United States, to prevent monopoly, and to safeguard the public welfare.

(d) Helium—Pursuant to the Acts, ownership of helium and the right to extract or have it extracted from all gas produced under this lease, subject to such rules and regulations as shall be prescribed by the Secretary.

(e) Taking of royalties—All rights pursuant to take royalties in amount or in value of production.

(f) Casing—In case the lessee strikes water while drilling instead of oil or gas, or abandons a well drilled as a water well, the right to purchase the casing in and at such well at its reasonable salvage value.

Sec. 4. Undivided fractional interest—Where the interest of the United States in the oil and gas underlying tracts described in item 3 hereof is an undivided fractional interest, the following shall apply: (a) Royalties payable on account of each such tract shall be in the same proportions to the royalties provided in section 2(d) hereof as the undivided fractional interest of the United States in the oil and gas underlying such tract is to the full fee simple interest.

(b) If while this lease is in effect, the lessee owns or holds under lease other undivided fractional interests in oil and gas underlying such tract, the right of the lessor to extract helium shall extend to all gas produced on the basis of such ownership or lease.

Sec. 5. Drilling and producing restrictions—The rate of prospecting and developing and the quantity and rate of production from the leased lands, shall be subject to control in the public interest by the Secretary, and in his judgment he may consider, among other things, Federal and State laws and regulations or lawful agreements among operators regulating either drilling or production, or both. After unitization, the Secretary, or any person, committee, or State or Federal officer or agency so authorized in the unit plan, may alter or modify from time to time, the rate of prospecting and development and the quantity and rate of production from the lands covered by this lease.

Sec. 6. Surrender and termination of lease—The lessee may surrender this lease or any legal subdivision thereof by filing in the proper BLM State office a written relinquishment in triplicate, which shall be effective as of the date of filing subject to the continued obligation of the lessee and surety to pay all accrued rental and royalties and to place all wells on the land to be relinquished in condition for suspension or abandonment in accordance with applicable lease terms and regulations.

Sec. 7. Removal of materials, etc., on termination of lease—Upon the surrender, termination or expiration of this lease, the lessee shall have the privilege within 90 days thereafter of removing from the premises all machinery, equipment, tools and materials other than improvements needed for producing wells. Anything subject to removal which remains on the leased lands shall become the property of the lessor after 90 days unless an extension is granted because of adverse climatic conditions throughout said period; Provided, that the lessee shall remove any or all such property where so directed by the lessor.

Sec. 8. Proceedings in cases of default—If the lessee shall not comply with any of the provisions of the Acts, the regulations thereunder or the lease or defaults in the performance or observance of any of the terms hereof (except for payment of rental which results in automatic lease termination), and such default continues for 30 days after service of written notice thereof by the lessor, this lease may be canceled by the Secretary except that if this lease covers lands known to contain valuable deposits of oil or gas, the lease may be canceled only by judicial proceedings; This provision shall not be construed to prevent the exercise by the lessor of any legal or equitable remedy which the lessor might otherwise have. Upon cancellation, any casing, material, or equipment determined by the lessor to be necessary for use in plugging or preserving any well drilled on the leased land shall become the property of the lessor. A waiver of any particular cause of cancellation and forfeiture shall not prevent the cancellation and forfeiture of this lease for any other cause of cancellation and forfeiture, or for the same cause occurring at any other time.

Sec. 9. Heirs and successors-in-interest—Each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

Sec. 10. Unlawful interest—No Member of or Delegate to Congress, or Resident Commissioner, after election or appointment, or officer, agent, or employee of the Department of the Interior, except as provided in 43 CFR 7.4 (a)(1), shall be admitted to any share or part in this lease or derive any benefit

therefrom: and the provisions of Section 3741 of the Revised Statutes of the United States, as amended (41 U.S.C. 22), and Sections 431, 432, and 433, Title 18 U.S. Code, relating to contracts, as applicable, form a part of this lease.

Instructions

A. General

1. This offer must be typed or printed plainly in ink, signed in ink, and dated.

2. This form is to be used by applicants in offering to lease noncompetitively lands or oil and gas deposits reserved to the United States and subject to lease under the Acts of February 25, 1920, or August 7, 1947.

3. Offers may be made by individuals of age of majority or by legal guardian or trustee of minors and incompetents who are citizens of the United States and by corporations, partnerships or associations.

4. FIVE copies of this offer must be prepared and filed in the proper BLM State office. See regulation 43 CFR 1821.2–1 for office locations. "Filing" means the actual receipt of the offer.

5. If additional space is needed for required information, additional sheets must be attached to each copy of the form submitted.

6. If any of the land described in item 2 of the offer, is open to oil and gas lease filing when the offer is filed but is omitted from the lease for any reason and thereafter becomes available for leasing to the offeror, the original lease will be amended to include the omitted land unless, before the issuance of the amendment the BLM State Office receives the withdrawal of the offer as to such lands or an election to receive a separate lease to be dated in accordance with 43 CFR 3110. If the lease is amended, the rental charged and the lease term will be the same as though the added land had been included in the original lease when it was issued.

B. Special (Numbers Correspond To Offer Form, Sides 1 and 2)

Item 1—Must be completed with the offeror's name and address. Proper BLM signing office must be notified, in writing, of change of address. The offeror must identify the mineral status of the oil and gas (Public Domain or Acquired) ONLY ONE MAY BE CHECKED. This form may not be used for tracts combining both Public Domain and Acquired lands. In such cases, separate applications must be completed.

Item 2—Description: The description of surveyed and unsurveyed lands must conform to the provisions of 43 CFR 3101. All lands must be within a 6-mile square or an area of 6 surveyed sections in length and width. Total area of land requested should be shown in acres in the space provided at the bottom of Item 2 and must not exceed 10.240 acres for lands leased noncompetitively. If the United States does not own a 100 percent interest in the oil and gas deposits in any particular tract, the offeror should indicate the percentage of Federal ownership. Payments: The amount remitted should include the filing fee for noncompetitive offers and the first year's rental at the rate of $1 per acre or fraction thereof. The full rental payment based on the total acreage applied for should accompany an offer even though the mineral interest of the United States is less that 100 percent. The filing fee is retained as a service charge even where the offer is completely rejected. In order to protect the offeror's priorities it is importmant that the rental submitted with the offer be sufficient to cover all the land requested at the rate indicated above. If the land requested includes lots or irregular quarter-quarter sections the exact area of which is not known to the offeror, rental should be submitted on the basis of each such lot or quarter-quarter section containing 40 acres, or on the computed acreage included with a metes and bounds descriptions. If the offer is withdrawn in whole or in part before a lease is issued, or if the offer is rejected in whole or in part, the rental remitted for the parts withdrawn of rejected will be returned. Surface Management Agency: If practicable, the offeror should indicated the agency controlling the surface use of the land and the unit or project of which the land is a part.

Item 3—This space will be completed by the United States. When the lease is issued, this space will contain the identification of the leased area, total acres, United States interest if less than 100 percent, and effective date of lease.

Item 4—Offeror's signature certifies as to all statements in Item 4.

Proposed Notice of Stipulations

The purpose of the proposed nationwide Notice of Stipulations is to reduce internal workload in the Bureau of Land Management and surface managing agencies at the time of lease issuance, thereby expediting the processing of applications, while maintaining full protection of all land and use values. The proposed Notice also will serve to standardize the many variations of stipulations that now exist from State to State, region to region and agency to agency.

At present each agency including the Bureau of Land Management develops stipulations for each lease covering a variety of valuable resources that are to be protected or events to be guarded against. Even when such stipulations have been standardized within a geographic or agency jurisdiction there still exists a multiplicity of versions of such stipulations. More importantly, each agency must determine for each application which stipulations, standardized or not, apply to the specific lands requested. This time consuming process is applied regardless of whether the lease issues or whether any type of surface disturbing activity which the stipulations control is ever proposed by the lessee. The Bureau estimates that for a variety of reasons approximately 25 percent of all applications never ripen into leases and of those that are issued, 80–85 percent never see any form of surface disturbing activity. This means that approximately 90 percent of the effort spent on developing stipulations and/or matching stipulations to lands applied for is wasted contributing to higher costs, longer processing times and less time available to properly manage lands experiencing development.

The Bureau of Land Management proposal is to avoid this wasted effort that could be otherwise beneficially be spent and utilize in place of individually developed lease stipulations that rightly or wrongly apply to a lease a more generalized and comprehensive list of stipulations for all leases. These can be implemented and further detailed on request of the lessee or when surface disturbing activities are proposed. The proposed Notice will constitute an alert to lessees that certain conditions may exist on their leasehold and if so, they will be required to conduct their activities to avoid or mitigate potential damage. The existence of such conditions and details as to times, distances and necessary actions of the avoidance or mitigation requirements will be provided on request and when activity is proposed. Not all stipulations on such a comprehensive list will apply to all proposed operations and the detail and degree of restriction will vary, as at present, depending on the nature of the land resources and the proposed activity. Stipulations will be specifically tailored to each proposed activity and will take better cognizance than present stipulations of the advantages or disadvantages of each proposed activity procedure and of the particular sensitivity or lack thereof of the surface values on specific drill sites.

When severe restrictions are required such as no surface or no seasonal occupancy of the leasehold, a contingent right or wilderness protection requirements, such limitations will be specified and the applicant will be required to consent thereto at the time of lease issuance.

The proposed notice of general stipulations that may apply and those that may apply in certain regions or categories of lands follows:

Department of the Interior

Bureau of Land Management

Notice of Oil and Gas Lease Stipulations

Any of the following stipulations may apply to this lease and may be modified at the time any surface disturbing activity on the leased lands is proposed. The Bureau of Land Management, the appropriate surface management agency and/or the Minerals Management Service should be contacted for details.

General Requirements

The lease and this notice are modified by, and subject to any special stipulations hereto attached. This notice will be implemented and may be modified when surface disturbing activities are proposed, at which time the lessee will be notified which stipulations in the Notice or attachments hereto apply to the lands and proposed activity and what the detailed requirements of each stipulation will be.

The lessee will recognize existing uses and commitments and the rights of use reserved by the lessor and will conduct his operations so as to interfere as little as possible with the rights and privileges granted by these permits or with other existing uses. The lessee will endeavor to make his use compatible with subsequently authorized uses of the leased lands. No operations will be conducted hereunder until prior written consents of the lessor have been obtained.

The lessee must comply with all Federal laws and statutes. The lessee must also comply with all Federal regulations, State or local laws, statutes and regulations pertaining to the drilling and recovery of oil and gas and protection of property unless otherwise notified in writing by the lessor.

Unless otherwise authorized, prior to the beginning of operations, the lessee will appoint and maintain at all times during the term of this lease or permit a local agent upon whom may be served written orders or notices respecting matters contained in this stipulation, and to inform the Minerals Management Service (MMS), BLM and the appropriate surface managing agency, in writing, of the name and address of such agent. If a substitute agent is appointed, the lessee or permittee shall immediately so inform the said representative.

Existing roads on the leasehold may be used by the lessee. The lessee will be required to repair any damage thereto caused by such use.

Under the provisions of Pub. L. 97–78, this lease includes all deposits of nongaseous hydrocarbon substances other than coal, oil shale, gilsonite (including all vein-type solid hydrocarbons). Development by methods not conventionally used for oil and gas extraction such as fire flooding and including surface mining will require the lessee to submit a plan of operations and will be subject to regulations governing development by such methods when those rules are issued by the MMS and the rules or procedures of the surface managing agency. Development may proceed only if the plan of operations is approved. The United States shall not be responsible for damages to the government or injuries to persons which may arise from or be incident to the government use and operations on the leased area.

Requirements for General Surface Conditions

Cultural and Paleontological Resources—Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified to the contrary by the authorized officer of the surface management agency or BLM, as appropriate, shall:

1. Inquire of the Bureau of Land Management or the appropriate surface management agency as to the need for a study of cultural and/or paleontological resources and, if required, engage at his own expense the services of a qualified cultural resource specialist acceptable to the Federal surface management agency to conduct an inventory of the surface area to be disturbed for evidence of cultural and paleontological resource values;

2. Submit a report acceptable to the authorized officer of the surface management agency and the MMS; and

3. Implement measures required by the surface management agency to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing and salvage or other protective measures. Where impacts cannot be mitigated to the satisfaction of the surface managing agency, surface occupancy on that area must be prohibited.

The lessee or operator shall immediately bring to the attention of the MMS or the authorized officer of the Federal surface management agency or BLM any cultural or paleontological resources or any other objects of scientific interest discovered as a result of surface operations under this lease, and shall leave such discoveries undisturbed until directed to proceed by the MMS.

Endangered or Threatened Species—The Federal surface management agency or BLM, as appropriate, is responsible for assuring that the leased land is examined prior to undertaking any surface-disturbing activities to determine effects upon any plant or animal species listed or proposed for listing as endangered or threatened, or in certain instances, as sensitive, or their habitats. The findings of this examination may result in some restrictions to the operator's plans or even disallow use and occupancy that would be in violation of the Endangered Species Act of 1973 by detrimentally affecting endangered or threatened species or their habitats.

The lessee/operator shall, unless notified by the authorized officer of the surface management agency or BLM that the examination is not necessary, conduct the examination on the leased lands at his discretion and cost. This examination must be done by or under the supervision of a qualified resource specialist approved by the surface management agency identifying the anticipated effects of a proposed action on endangered, threatened, and in certain cases sensitive species or their habitats.

Esthetics— To maintain esthetic values, all surface-disturbing activities, semipermanent and permanent facilities must be properly sited and may require special design, painting or camouflage to blend with the natural surroundings and meet the intent of the visual quality objectives of the Federal surface management agency.

Erosion Control—Surface-disturbing activities may be prohibited during muddy and/or wet soil periods. This limitation does not apply to operation and maintenance of producing wells using authorized roads. During period of adverse conditions due to climatic factors or under adverse ground conditions all activities creating irreparable or extensive damage, as determined by the surface managing agency, will be suspended or the plan of operation modified.

Controlled or Limited Surface Use—The lands within this lese may include special areas and such areas may

contain special values, may be needed for special purposes, or may require special attention to prevent damage to surface and/of other resources. Any surface use or occupancy within such special areas will be strictly controlled or, if absolutely necessary, excluded. Distances and/or time periods may be adjusted depending on the actual onground conditions. The lessee will be required to submit for approval plans of operations to MMS and the surface managing agency, including modifications sufficient to protect special values and other uses. Use or occupancy will be restricted only when MMS and/or the surface managing agency demonstrates that the restriction is necessary for the protection of such special areas and existing or planned uses. Appropriate modifications to imposed restrictions will be made for the maintenance and operation of producing oil and gas wells.

After the Federal surface management agency has been advised of specific proposed surface use or occupancy on the leased lands, prior to such use or occupancy and on request of the lessee/operator, the Agency will furnish further information on any special areas which may include:

Roads and trails, perrenial and ephemeral water courses and bodies, flood plains, and water supplies,

Grouse strutting grounds and associated nesting areas, essential habitat of State and Federal sensitive species, crucial wildlife ranges and calving areas,

Buildings and structures, recreational areas ans sites eligible for or designated as National Register sites,

Areas having restrictive off-road vehicle designations, and

Slopes over 30 percent, or 20 percent on extremely erodable or slumping soils, or in areas or extreme soil sensitivity.

An environmental analysis or a categorical exclusion review will be prepared by MMS, in the consultation with the Federal surface management agency, to analyze the impacts of the proposal, determine appropriate mitigation measures, and evaluate if an environmental statement is needed, for the purpose of insuring proper protection of the surface, the natural resources, the environment, existing improvements, and for assuring timely reclamation of disturbed lands. Upon completion of said environmental analysis, the authorized officer of the MMS shall notify the licensee/permittee/lessee of the conditions, if any, to which the proposed surface disturbing operatios will be subject.

Requirements for Special Surface Conditions

Wild and Scenic Rivers—This stipulation applies to any Federal lands adjacent to a river designated or under study for possible inclusion in the National Wild and Scenic Rivers System. Federal lands constituting bed or bank or within one quarter mile to two miles of a designated Wild River already may be withdrawn by statute from operation of the mineral leasing law.

The licensee/permittee/lessee may not use, occupy, or disturb any portion of surface adjacent to such river as described by the surface managing agency without prior specific authorization of the surface managing agency while the Congress is considering inclusion of the River into the National Wild and Scenic River System.

If Congress adds the River to the National Wild and Scenic River System, the surface managing agency will prepare a management plan which will specify particular controls.

If by the date prescribed by Section 7b of the Wild and Scenic River Act (82 Stat. 906, as amended) or possible amendments, the Congress has not added the River to the National Wild and Scenic River System, the area will be used according to a land management plan which may specify particular controls or special requirements.

The applicant should know that there is at this time no assurance that use, occupancy, or disturbance of the surface of the lands adjacent to such river can be permitted.

Alaska Lands—Lessee shall not undertake any geophysical operations without first obtaining a permit from the District Manager, BLM or the authorized officer of the surface managing agency having jurisdiction over the lands involved nor undertake any other work on the leasehold without exploration, development and production plans approved by MMS in accordance with the Alaska National Interest Lands Conservation Act (ANILCA), Section 1008 (f) and (g) and 30 CFR Part 221. Such plans must include an environmental training program approved by the MMS in consultation with BLM or the appropriate surface managing agency for all personnel engaged in activities on the leasehold. The MMS in consultation with BLM and/or the appropriate surface managing agency, as part of such plans may require joint use of facilities by lessees. Approved plans and permits may be subject to restrictions of operations on a seasonal basis and/or within proximity to wildlife habitat, nesting sites, lakes and rivers, and subsistence use areas. Consistent with ANILCA, Title VIII, the lessee will be required at his own expense to provide for study by a subsistence specialist, approved by BLM or the appropriate surface managing agency and the Alaska Department of Fish and Game, of conflicts of his approved planned activity with subsistence uses and to undertake such steps deemed appropriate by BLM, the appropriate surface managing agency and the MMS to protect and guarantee access to subsistence resources.

Oil Shale Areas—Drilling will be permitted only if MMS concludes that it will not result in undue waste of oil shale deposits, will not interfere with the mining and recovery of oil shale deposits or the extraction of shale oil by in situ methods or that the interest of the United States would best be served thereby. When it is determined that unitization is necessary for orderly oil and gas development and proper protection of oil shale deposits, all drilling must be conducted pursuant to an approved unit plan. The drilling or the abandonment of any well on leases within an oil shale area will be subject to oil and gas operating regulations including such requirements as the MMS may prescribe to prevent flow or infiltration of oil, gas or water into formations containing oil shale deposits or into mines or workings used in the extraction of such deposits.

Powersites—If any of the land covered by this lease or permit was, on the date of filing, within a powersite classification, reservation or project on which an application for a license or preliminary permit is pending or had been issued under the Federal Power Act, or on which an authorized power project (other than one owned or operated by the Federal Government) had been constructed, the prior right is reserved to use such land for purposes of power development so applied for, or authorized, and no compensation shall accrue to the mineral lessee or permittee for any loss occasioned thereby. Where the mineral lessee or permittee can make adjustments of his improvements to avoid undue interference with power development, he will be permitted to do so at this own expense. Furthermore, occupancy and use of the land by the mineral lessee or permittee shall be subject to such reasonable conditions with respect to the use of the land as may be prescribed by the Federal Power Commission for the protection of any improvements and workings constructed thereon for power development.

If any of the land covered by this lease or permit is on the date of issuance within a powersite classification or reservation not governed by the preceding paragraph, the lease or permit is subject to the express condition that operations under

it shall be so conducted as not to interfere with the administration and use of the land for powersite purposes as determined by the Secretary of the Interior.

Bureau of Reclamation and Department of Defense Lands—Within the area of any government reclamation project, or in proximity thereto, the lessee shall take precautions to prevent any injury to the lands susceptible to irrigation under such project or to the water supply thereof; provided that drilling is prohibited on any constructed works or right-of-way of the Bureau of Reclamation, or Department of Defense, and provided further, that there is reserved to the lessor, the superior and prior right to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, appurtenant irrigation structures, reclamation works and structures or facilities for military purposes and remove construction materials therefrom without compensation and without responsibility for any damage. Nothing shall be done under this lease to increase the cost of, or interfere in any manner with, the construction, operation, and maintenance of such works and that said additional expense so caused is to be estimated by the Secretary of the Interior and be binding on and paid by the lessee within 30 days after demand.

All surface work performed by the lessee on Bureau of Reclamation or Department of Defense lands requires prior approval in writing by and be under the general supervision or standards (guidelines) and regulations provided by the appropriate representative of the Bureau of Reclamation or Department of Defense. The plans and location for all construction and surface work on the subject lands shall be submitted to the said representative for prior approval. The authorized representatives shall have the right to enter the leased premises at any time for inspection purposes. No wells shall be drilled for oil and gas proximate to a dam, a reservoir, or any constructed or proposed tunnel, canal, aqueduct, pipeline, lateral, drain, transmission lines, telephone lines, roadways, and structures and facilities used for military purposes, under the administration or jurisdiction of the Bureau of Reclamation or Department of Defense. The lessee may be required to cease operations in the event of national emergency or at other times as directed by the surface managing agency and may be required to obtain the assistance of such agency in controlling or correcting adverse conditions. The surface managing agency to the extent necessary may regulate the lessee's activities for safety and security purposes. Failure to comply with such regulation may result in termination of the lease or other penalties. The lessor will be held harmless for any damages or claims arising from the activities of the lessee. The specifics of such restrictions may be obtained from the surface managing agency.

Timber Lands—Lessees shall not cut or destroy timber without first obtaining permission from the authorized representative of the appropriate surface managing agency and may be required to pay for all such timber cut or destroyed at the rates prescribed by such representative. The lessee may be required by the surface managing agency's representative to restore the surface of the lands or undertake other measures as required to restore land values and uses.

The lessee shall do all in his power to prevent and suppress forest, brush, or grass fires on the leased lands and in their vicinity. Unless prevented by circumstances over which he has no control, the lessee or permittee shall make available his employees, contractors, subcontractors, and their employees employed on the leased lands for the purpose of fighting forest, brush, or grass fires on or originating on the leased lands or on adjacent areas or caused by their negligence with the understanding that payment for such services shall be made at rates to be determined by the authorized representative except in cases of negligence where no payment will be made. During periods of serious fire danger to forest, brush, or grass, as may be specified by the authorized representative of the surface managing agency, the lessee or permittee shall prohibit smoking and the building of camp and lunch fires except at established camps, and shall enforce this prohibition by all means in his power. The lessee or permittee shall not burn rubbish, trash, or other inflammable materials except as authorized and shall not use explosives in such a manner as to scatter inflammable materials on the surface of the lands during the forest, brush or grass fire season, except as authorized. The lessee or permittee shall build or construct such fire lines or do such clearing on the lands as required and shall maintain such fire tools as required by the authorized representative.

Where construction, operation, or maintenance of any of the facilities on or connected with this lease or permit would cause damage to the watershed or pollution of water resources, the lessee or permittee shall not undertake such activity or shall repair such damage and shall take such corrective measures to prevent further pollution or damage as are deemed necessary by the authorized representative of the surface managing agency. If in the opinion of the authorized representative the lands are valuable for watershed protection, the lessee or permittee shall provide for control of surface runoff and return the affected area to as productive condition as practicable.

43 CFR Parts 3000 and 3100

This announcement does not extend or modify the comment period on proposed oil and gas leasing regulations (43 CFR Parts 3000 and 3100) announced in the **Federal Register** on June 30, 1982 (47 FR 28550). The comment period on the proposed regulations closes August 30, 1982. Comments should be submitted as directed in that notice. This announcement provides notice of a public meeting to express comments on these proposed regulations in conjunction with the previously announced comment period for the regulations.

James M. Parker,

Associate Director.

July 19, 1982.

[FR Doc. 82-20102 Filed 7-22-82; 8:45 am]

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federal register

Friday
July 23, 1982

Part VI

Department of the Treasury

Office of Foreign Assets Control

Cuban Assets Control Regulations; Travel-Related Transactions

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 515

Cuban Assets Control Regulations; Travel-Related Transactions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending section 515.560 of the Cuban Assets Control Regulations to (1) explain and clarify the meaning of the general license for "professional research" and "similar activities;" (2) expand the meaning of "close relatives;" (3) set forth a specific licensing policy concerning professional meetings, seminars, and conferences scheduled to be held in Cuba prior to December 31, 1982; and (4) authorize certain transactions in connection with hosted or sponsored travel.

EFFECTIVE DATE: July 22, 1982.

FOR FURTHER INFORMATION CONTACT: Raymond W. Konan, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, tel. (202) 376–0236.

SUPPLEMENTARY INFORMATION: Since the Regulations involve a foreign affairs function, the provision of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Similarly, because the amendment is issued with respect to a foreign affairs function of the United States, it is not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulation.

List of Subjects in 31 CFR Part 515

Cuba; Foreign assets control.

31 CFR Part 515 is amended as follows:

1. Section 515.560 is amended by the addition of a sentence at the end of paragraph (a)(2), so that it now reads as follows:

§ 515.560 [Amended]

(a) * * *

(2) For purposes of this section, the term "close relative" means spouse, child, grandchild, parent, grandparent, great grandparent, uncle, aunt, brother, sister, nephew, niece, first cousin, or spouse, widow, or widower of any of the foregoing. The term "close relative" also means mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, or brother-in-law.

2. Section 515.560 is amended by the addition of paragraphs (h) and (i) and (j) as follows:

§ 515.560 [Amended]

* * * * *

(h) *Professional research and similar activities.* (1) Paragraph (a)(1) of this section provides a general authorization for travel to, from, and within Cuba for professional research. Those covered by the "professional research" authorization are full-time professionals who travel to Cuba to do research in their professional areas, whose research is specifically related to Cuba and will constitute a full work schedule in Cuba, and where there is a substantial likelihood of dissemination of the product of such research. No transactions related to tourist or recreational travel within Cuba are authorized under the general license for professional research, except those that are consistent with a full schedule of research activities.

(2) "Similar activities" include attendance by professionals with an established interest in Cuba at professional meetings where research on Cuba is shared, and travel for research purposes specifically related to Cuba by persons who are working to qualify themselves academically as professionals (*e.g.*, certain graduate degree candidates). Study visits to Cuba in connection with pre-college or undergraduate college course work are not within the scope of professional research and similar activities authorized by the general license.

(3) Categories of travel which do not qualify as professional research or similar activities and for which specific license requests will normally be denied include recreational travel; tourist travel; travel in pursuit of a hobby; general study tours; general orientation visits; student class field trips; youth camps; research for personal satisfaction only; travel by fishing or bird-watching groups and similar affinity groups; and any travel for an authorized research purpose, if the schedule of activities includes free time, travel, or recreation in excess of that consistent with a full work schedule of professional research and similar activities.

(4) A group does not fall within the general license for professional research or similar activities merely because some members of the group could qualify individually under the general license. For example, the presence of a professional fish biologist who travels to Cuba to engage in professional research does not bring within the general license other persons who might travel with the fish biologist but whose principal purpose in travel is to engage in recreational or trophy fishing. The fact that such persons may engage in certain activities with, or under the direction of, the professional fish biologist, such as measuring or recording facts about their catch, does not bring these individuals' activities within the meaning of professional research or similar activities.

(5) A person does not fall within the general license for professional research or similar activities merely because that person is a professional who plans to travel to Cuba. For example, a professor of history interested in traveling to Cuba for the principal purpose of learning or practicing Spanish or attending general lectures devoted to Cuban culture and contemporary life would not fall within the general license. A doctoral candidate in economics traveling to Cuba to undertake research for a dissertation on the Cuban economy would fall within the general license for activities directly related to the research but would not be authorized by the general license to stay an extra week in Cuba in order to attend a seminar on Cuban arts and crafts.

(i) *Professional Meetings, Seminars, Conferences.* Specific licenses authorizing the transactions in paragraph (c) of this section will be issued in appropriate cases to persons desiring to travel to Cuba for purposes of participation in professional meetings, seminars, conferences, or similar gatherings, provided that the prospective traveler is a full-time professional in the field to which the meeting or similar gathering pertains; that planning and preparation for the meeting or similar gathering were underway prior to May 15, 1982; and that the meeting or similar gathering is scheduled to be held prior to December 31, 1982. Specific license requests pertaining to travel for attendance at professional meetings to be held after December 31, 1982, will generally be denied.

(j) For purposes of this section, all necessary transactions involving fully sponsored or hosted travel to, from, and within Cuba are authorized, provided that no person subject to U.S. jurisdiction shall make any payment or transfer of any property or provision of any service to Cuba or a Cuban national in connection with such travel. Travel shall be considered fully sponsored or hosted for purposes of this section notwithstanding a payment by a person subject to U.S. jurisdiction for

transportation to and from Cuba, provided that the carrier furnishing the transportation is not a Cuban national.

(Sec. 5, 40 Stat. 415, as amended, 50 U.S.C. App. 5; 75 Stat. 445, 22 U.S.C. 2370(a); Proc. 3447, 27 FR 1065, 3 CFR, 1959–1963 Comp.; E.O. 9193, 7 FR 5205, 3 CFR, Cum. Supp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943–1948 Comp., p. 748)

Dennis M. O'Connell,

Director.

John M. Walker, Jr.,

Assistant Secretary.

[FR Doc. 82-20164 Filed 7-22-82; 10:46 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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Last Listing July 22, 1982

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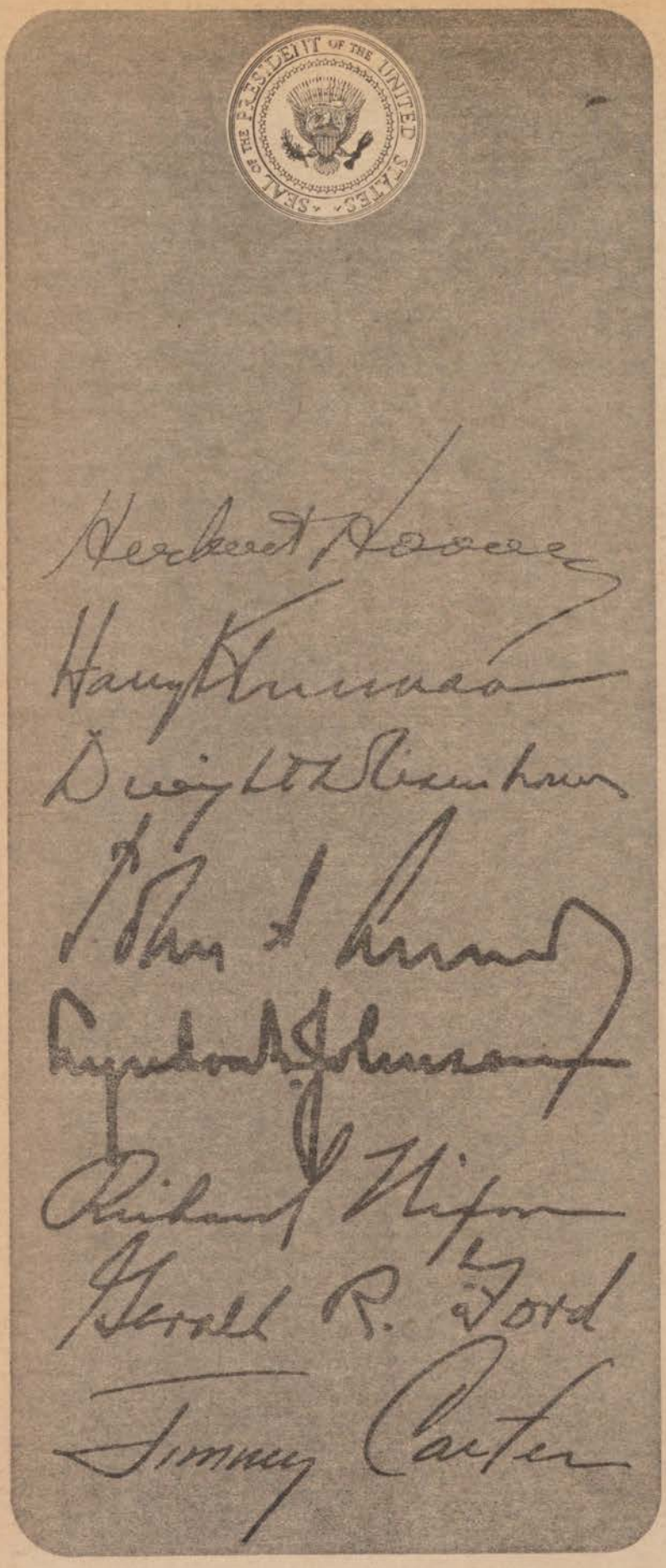
H.R. 6590/Pub.L. 97–218 No Net Cost Tobacco Program Act of 1982. (July 20, 1982; 96 Stat. 197) Price: $2.75.



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