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Wednesday
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ITEM 5

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Environmental Protection Agency

Coal Mining
Surface Mining Reclamation and Enforcement Office

Communications
Federal Communications Commission

Drug Traffic Control
Drug Enforcement Administration

Eggs
Agricultural Marketing Service

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Agricultural Marketing Service

Pesticides and Pests
Environmental Protection Agency

Radio Broadcasting
Federal Communications Commission

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 59

Clarification of Title: Egg Products Inspection Act

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule will amend Title 7, Chapter I, Part 59 of the Code of Federal Regulations by deleting references to the "Egg Products Inspection Act" as the "Egg Products Inspection Act of 1970." Because the enabling statute, Pub. L. 91–597 states that the Act may be cited as the "Egg Products Inspection Act" this final rule has been promulgated to prevent possible public confusion as to the title of the Act and to avoid interference with this Agency's enforcement of the provisions of the Act.

EFFECTIVE DATE: July 28, 1982.

FOR FURTHER INFORMATION CONTACT:
D. M. Holbrook, Chief, Poultry Standardization Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 3944, South Building, Washington, D.C. 20250 (202, 447–3506).

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Regulatory Flexibility Act

Because this final rule is purely administrative, involving only the correction of the citation to a statute that is enforced by this Agency, it has been determined that this final rule is not subject to the requirements of Executive Order 12291 or, those of the Regulatory Flexibility Act.

Background

On December 29, 1970, Congress enacted Pub. L. 91–597 which provided "for the inspection of certain egg products by the Department of Agriculture; restriction on the disposition of certain qualities of eggs; and, for the uniformity of standards for eggs in interstate or foreign commerce." In the preamble to Pub. L. 91–597, Congress states that this Act may be cited as the "Egg Products Inspection Act." This Act has, however, been cited in the Code of Federal Regulations as the "Egg Products Inspection Act of 1970." See for example Title 7, Chapter I, Subchapter C, Part 59 of the Code of Federal Regulations.

This final rule will delete the words "of 1970" from the title of the Act so that all references in the CFR to the Act will correctly read "The Egg Products Inspection Act."

Title 7 of the Code of Federal Regulations is amended as follows:

1. The phrase "of 1970" is removed from the title of Part 59, of Subchapter C, Chapter I to read as follows:

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS (EGG PRODUCTS INSPECTION ACT)

Part 59 [Nomenclature Change]

2. Wherever the title "Egg Products Inspection Act of 1970" appears within 7 CFR Part 59 change it to read "The Egg Products Inspection Act."

Lists of Subjects in 7 CFR Part 59

Shell eggs, Egg products, Mandatory Inspection Service.

(84 Stat. 1620 et seq., 21 U.S.C. 1031–1056)

It has been determined that publication of this rule as a proposal for public comment is unnecessary since this final rule merely corrects the citation to a statute enforced by this Agency and involves no change in Agency policy.

Done at Washington, D.C. on July 22, 1982.

Vern F. Highley,

Administrator, Agricultural Marketing Service.

[FR Doc. 82–20403 Filed 7–27–82; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 918

[Peach Reg. 2]

Fresh Peaches Grown in Georgia; Grade and Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes minimum grade and size requirements for fresh peaches grown in Georgia. These requirements are necessary to promote orderly marketing in the interests of producers and consumers.

DATES: On and after July 28, 1982.

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

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified 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 action is designed to promote orderly marketing of the Georgia peach crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of peaches grown in Georgia. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based on information submitted by the Industry Committee, established under the order, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

The committee met on April 8, 1982, to consider supply and market conditions and other factors affecting the need for regulation. It recommended minimum grade and size requirements for shipments of fresh peaches grown in Georgia, except for those shipped in bulk to adjacent markets, which it deemed advisable. The exception of peaches shipped in bulk to adjacent markets from regulation requirements

follows the practice of prior years. It is designed to permit shipment of peaches which are of a quality and size acceptable in the adjacent markets but are not suitable for distribution in more distant markets in competition with peaches from other areas.

The regulation contained in this final rule, effective on and after July 28, 1982, would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. In an interim rule and subsequent amendment thereto (47 FR 18571, 20285), interested persons were invited to comment through June 10, 1982 with regard to this final regulation. No comments were received. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. The change to issue a regulation which would continue in effect from marketing season to marketing season reflects the fact that regulations change infrequently from season to season and it is believed unnecessary to issue them only for a single season. In addition, this action would result in a reduction in operational costs to the committee and the government. Although the final regulation will be effective for an indefinite period, the committee will continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will review committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of Georgia peaches would tend to effectuate the declared policy of the Act.

It is found that it is impracticable and contrary to the public interest to postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and that good cause exists for making these regulatory provisions effective as specified in that: (1) An interim rule was published in the **Federal Register** (47 FR 18571, 20285) and no comments were received during the period provided; (2) the crop is currently being shipped; and (3) the requirements will not require any additional preparation by handlers which cannot be completed by the date hereof.

List of Subjects in 7 CFR Part 918

Marketing agreements and orders, Peaches, Georgia.

PART 918—FRESH PEACHES GROWN IN GEORGIA

Therefore, a new § 918.325 is added to read as follows:

§ 918.325 Peach regulation 2.

(a) On and after July 28, 1982, no handler shall ship, except peaches in bulk to destinations in the adjacent markets, any peaches which:

(1) Do not grade at least 85 percent U.S. No. 1 quality: *Provided,* That peaches with well-healed hail markets or split pits not scored as serious damage, or peaches with not more than 1 percent decay, may be shipped if they otherwise meet the requirements of the subparagraph.

(2) Are smaller than 1⅞ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1⅞ inches in diameter.

(b) The inspection requirement contained in § 918.64 of this part shall not be applicable to any shipment of peaches in bulk to destinations in the adjacent markets, except for peaches in closed containers.

(c) The maturity regulations contained in § 918.400 of this part are hereby suspended with respect to shipments of peaches to all destinations other than those in the adjacent markets.

(d) "U.S. No. 1" and "diameter" mean the same as defined in the United States Standards for Peaches (7 CFR 51.1210–51.1223).

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

Dated July 23, 1982, to become effective July 28, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-20382 Filed 7-27-82; 8:45 am]

BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

14 CFR Part 312

[PR-248; Docket 40207; Amdt. 1]

Implementation of National Environmental Policy Act

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB eliminates the provision in its rules that requires the Board to prepare environmental evaluations when Mexican air taxis apply for a foreign air carrier permit. This action will put Mexican air taxis on the same footing as their Canadian counterparts.

DATES: Adopted: July 8, 1982. Effective: August 26, 1982.

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

SUPPLEMENTARY INFORMATION: The Board's rule implementing the National Environmental Policy Act (NEPA) generally requires that environmental impact statements or environmental assessments be prepared for Board actions that have a significant effect on the environment. Several exceptions are listed in § 312.11. By PDR–77, 46 FR 56625, November 18, 1981, the Board proposed to add operations by Mexican air taxis to this list. This action was proposed to put Mexican air taxis on the same footing as their Canadian counterparts. No comments were received in response to this proposal. In view of the fact that transborder operations of air taxis occur only infrequently, they are not likely to significantly affect the environment. The Board is therefore amending the rule as proposed.

Regulatory Flexibility Act

For the reasons stated in PDR–77, the Board certifies that this rule will not have a significant econmic impact on a substantial number of small entities under the Regulatory Flexibility Act. It will merely reduce the reporting requirements for a few small Mexican air carriers and eliminate a possible barrier to entry.

List of Subjects in 14 CFR Part 312

Administrative practice and procedure, Environmental impact statements.

PART 312—IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

Accordingly, the Board amends 14 CFR Part 312, *Implementation of the National Environmental Policy Act*, as follows:

1. The authority for Part 312 is:

Authority: Secs. 102, 204, Pub. L. 85–726, as amended, 72 Stat. 740, 743, 49 U.S.C. 1302, 1324; National Environmental Policy Act of 1969, 83 Stat. 352, *et seq.*, 42 U.S.C. 4321 *et seq.*

2. Paragraph (a)(8) of § 312.11 is revised to read:

§ 312.11 Actions normally not requiring preparation of an environmental impact statement or assessment.

(a) * * *

(8) Authorizing transborder operations by Canadian or Mexican air carriers with aircraft having a capacity of 60 seats or less, and a maximum payload capacity of 18,000 pounds or less.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-20251 Filed 7-27-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE TREASURY

Customs Service

15 CFR Part 301

Instruments and Apparatus for Educational and Scientific Institutions

AGENCY: Import Administration, International Trade Administration, Commerce, Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: The Departments of Commerce and the Treasury are amending Part 301, Chapter III of Title 15 of the Code of Federal Regulations relating to their responsibilities under the Educational, Scientific, and Cultural Materials Importation Act of 1966 (the "Act"; Pub. L. 89–651; 80 Stat. 897). The amendments will (i) improve the public's understanding of the requirements for duty-free entry of instruments and apparatus for educational and scientific institutions by placing both the Commerce and the Treasury regulations in a single part; and (ii) update and clarify miscellaneous provisions.

EFFECTIVE DATE: These regulations shall be effective August 9, 1982.

ADDRESS: Statutory Import Programs Staff, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Dr. Stanley P. Kramer, who can be reached by telephone on 202–377–4216.

SUPPLEMENTARY INFORMATION:

Background

We last made substantive changes of the Florence Agreement Regulations on October 6, 1969 (34 FR 15787 (1969)). We also made certain procedural and editorial changes on February 24, 1972 (37 FR 3892 (1972)) and on March 18, 1975 (40 FR 12253 (1975)).

Previously, provisions governing the receipt and processing of applications, exclusion of certain articles from duty-free entry, entry and liquidation, disposition of articles entered duty free, and other matters within the responsibility of the U.S. Customs Service were incorporated in separate Customs regulations (19 CFR 10.114–10.119). On April 28, 1981 (46 FR 23755) we published a proposal to consolidate in this part those Customs provisions of most interest to applicant institutions at the time of application.

Also, based on the accumulated experience of Commerce in determining scientific equivalency and domestic availability, we proposed a number of procedural and definitional improvements. Most significant were the changes proposed in the definitions of "instrument," "specifications" (both "pertinent" and "guaranteed") and in the application of "scientific equivalency" and "excessive delivery time" criteria.

In accordance with Executive Order 12291 dated February 17, 1981, the Departments of Commerce and the Treasury have determined that these rules do not constitute a "major rule" as defined by Section 1(b) of the Order. They are not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices in either the public or private sector; or

(3) Significant adverse impact on the domestic economy or on the ability of U.S. enterprises to compete with foreign enterprises.

An affirmative finding under these regulations that an equivalent instrument is being manufactured in the United States protects domestic manufacture and employment. A contrary finding benefits non-commercial entities, and the aggregate annual value of such benefits do not normally exceed $5 million.

Consequently, the General Counsel of the Department of Commerce has certified that this action will not have a significant economic impact on a substantial number of small entities.

Finally, the Departments have determined that publication of these rules will impose no change in the information collection burden on the public. That burden is limited solely to those entities receiving the associated federal benefits and the information collection is made on ITA Form 338P. Information collection requirements contained in this regulation 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 #0625–0037. Accordingly, publication of these rules is consistent with the Departments' responsibilities under the Paperwork Reduction Act of 1980.

Comments

We gave interested persons three months to comment. To further publicize the proposed rules, and to facilitate comments, we sent copies to 1200 institutions and 25 manufacturers. We also sent 25 copies to an organization representing instrument manufacturers. Four persons (representing a research foundation, a university and two instrument companies) responded. All comments are available for public review.

In general, the comments were favorable. One commenter stated that the regulations represented a "significant improvement over the existing regulations." Another favored adoption of the proposed rules without change, terming the revisions "clear, concise and workable." Several commenters, however, suggested further changes which we discuss below.

Discussion of comments

A. Length of Comment Period

Two domestic manufacturers urged us to lengthen the 20 day comment period of § 301.5(a)(2). They alleged that 20 days to review a voluminous application (or, at times, more than one) and to submit comments on time is unrealistic. One manufacturer estimated it needed 30 days for effective commenting. The other, noting that applicants have a long time to prepare and that the right to appeal was at stake, believed it needed 90 days.

Although we recognize the problem described in this comment, we do not believe adding 10 to 70 days to a processing time limited by statute is within our authority. Instead, we urge

effective use of alternative procedures that can provide relief.

For example, any person may at any time visit Commerce and study (or copy) applications of interest. Interested persons may also phone to obtain information on these applications. If these measures are not feasible, a manufacturer may take advantage of the mailing service described in § 301.5(a)(7). As long as the service exists, the Director will try to furnish copies of relevant applications to domestic manufacturers well in advance of Federal Register publication. In effect, this procedure lengthens the comment period.

It is also possible to simplify or reduce the burden of commenting. Any manufacturer may submit general comments pursuant to § 301.5(a)(5). Then, by reference, the firm can incorporate this material (or any other material previously submitted) into any new comment submission. At a more convenient time, the firm can reinforce its comments with additional information. This procedure allows a quick response without undue burdening of key personnel. Comments provided in this manner will also preserve the commenter's appeal rights.

Finally, in making the required determinations, the Director relies heavily on the advise of consultants in the National Institutes of Health, the National Bureau of Standards and other specialized agencies having relevant industrial and technical expertise. Any domestic manufacturer can take any steps it deems necessary and appropriate to ensure that the agencies providing advice to the Director are kept abreast of new capabilities in its product line.

B. Application Before Purchase

One manufacturer, citing its own experience, thought it possible that the European Economic Community mandates application for duty waiver long before order placement and requested analogous U.S. procedures. This, it suggested, could be accomplished either by requiring a duty-free determination before purchase or, at the very least, by requiring a prospective buyer to notify Commerce of the intent to submit an application.

The commenter believed that such procedures would offer domestic manufacturers a genuine opportunity to demonstrate the suitability of their instruments for the institution's research needs, before a purchasing commitment was made. This, he thought, would be one way to assure "equality of treatment here and there."

These comments raise an issue which can be effectively addressed only by the Congress. In this rulemaking process, our agencies are confined to developing rules which are clearly grounded in authority vested in them by existing law. The Act permits eligible institutions to apply for duty-free entry after purchase of the foreign article. We cannot, therefore, adopt the commenter's suggestion.

C. Components

One commenter, noting that the Agreement does not require duty waiver of components and that the Act refers only to repair components, objected to allowing application for "components of novel instruments being build or assembled by qualified non-profit institutions" in §301.2(k). On consideration of this comment we have deleted the criticized provision. Infrequently, however, we receive applications for parts of instruments which, even through they may be referred to as "components" in the trade, are so integral to the instrument's function that a scientific instrument may not be said to exist without them. In other cases, while an identifiable instrument may exist without the component, one or several of the applicant's research purposes clearly could not be undertaken without the capability added by the "component."

In such cases, we believe rejection of the application would be more restrictive than intended by either the Agreement or the law. Accordingly, in lieu of the deleted proposal, we have added clarifying language permitting Customs to consider on a case-by-case basis such components as accessories for the purposes of these regulations.

D. Design and Performance Specifications

One commenter believed that the proposed definition of "pertinent specifications," § 301.2(s), should include the terms "design specifications" and "performance specifications". We believe these concepts are adequately defined in other parts of the regulations (See §§ 301.2(q) and 301.2(s)) and therefore have not adopted this suggestion.

E. Criteria for Opposing Applications

One commenter suggested inserting into § 301.5(a)(4)(ii) the following language: "That although the instrument or apparatus differs in design from the article, it is nonetheles scientifically equivalent because it is as capable (as) or better than the article in fulfilling the purposes relevant to the specification * * *."

We believe this comment has merit. Instruments of radically different design can have the same capability for a particular use. For example, cars with either diesel or gasoline engines can provide equivalent commuter transportation. In some cases one instrument may require additional features to achieve performance or to overcome specific problems (such as vibrations) while another may not. The proposed rules do cover unneeded design specifications, § 301.2(s), but they do not clearly and unequivocally address the concern of this commenter. To do this and provide guidance on "design" to those opposing applications, we have added new language to §301.5(a)(4)(ii).

The commenter also recommended adding the following language to § 301.5(a)(4)(ii): "or the intended purposes for which the instrument is to be used do not qualify for duty-free entry under the Act." We have adopted this suggestion with minor editorial changes.

F. Scientific Equivalency

One commenter suggested two changes in § 301.5(d)(1)(iii). The first was that the Director be required to find that an instrument "does not meet the requirements of the law" rather than "the excessively broad statement" that an instrument "has no scientific value." We did not adopt this suggestion because the relevant requirements of the law are quoted in the same paragraph and the suggested substitute language is less specific than the original language. The second was to add the words "and therapy" to the expression "diagnosis or patient care." We have adopted this suggestion.

G. U.S. Manufacture

One person sought protection from bidding practices such as (1) companies submitting a "firm" bid without any "idea of what they were going to build" and (2) nuisance bidding by firms that, clearly, did not want the business.

Speaking of the first practice, the commenter, claiming to have seen brochures and ads for equipment not even designed to detail, "just a sketch and a design concept," explained, "* * * If you had been waiting for equipment for a year or two, you * * * are a hostage to this kind of behavior, and end up paying higher prices for an inferior product."

This commenter noted that the proposed rules (§ 301.5(d)(2)) do afford an opportunity for "reviewing a manufacturer's history" but place the burden of proof on the applicant, and

asked, "How can we prove the non-existence of a design? The manufacturer can quite naturally say that drawings are proprietary and will not provide them. How can we prove a bid is intended so as not to be accepted?" This person then suggested that, on a product not field tested or demonstrated, we shift the burden of proof of domestic availaiblity to the manufacturer by requiring sufficient evidence of a bona fide bid. In support of this suggestion the writer reasoned that, "The manufacturer may choose to hold this information proprietary, in which case it suffers no jeopardy, since whether import duty is charged does not affect the manufacturer."

This suggestion is not adopted for the following reasons:

(1) The suggested procedure would pressure domestic manufacturers to surrender trade secrets;

(2) Establishing the sincerity of a manufacturer (whether domestic or foreign) is not, in general, an administratively feasible option;

(3) Manufacturers may be willing and able to produce a particular instrument and still have reasons not to disclose proprietary information;

(4) Past performance, whether proven or merely perceived by a prospective buyer, is not necessarily indicative of present performance capabilities;

(5) Reading intent into a manufacturer's bid would invite regulatory whim and caprice;

(6) Such a procedure would potentially affect purchasing decisions;

(7) Risk of purchase is a matter of cost or convenience, an impermissible consideration under Subsection 301.2(s); and

(8) Any purchaser has available contractural and other means of protection from inflated claims.

In addition, we do not rely on the unsupported claims of manufacturers. We make use of government experts knowledgeable in the instruments and the companies concerned. We require a manufacturer formally opposing an application to provide documentation of its instrument's guaranteed specifications and date of availability. We may solicit from the manufacturer (or others) any additional information deemed necessary to a decision and may draw appropriate inferences from a manufacturer's failure to provide requested information. Thus, we have at our disposal several means of getting information.

In summary, while we are not adopting the commenter's specific suggestion, we believe the regulations as adopted are adequate to ensure equitable treatment of all interested parties in any given proceeding. We note in particular that the regulations do not preclude shifting the burden of proof onto a domestic manufacturer if the preponderance of evidence available to the Director should appear to warrant such a course.

This comment on the bona fides of domestic manufacturers raises reciprocal concern for the good faith of applicants in making their case. Experience has shown that applicants, in carrying their burden of proof, may show favoritism towards, or collaborate with, their foreign supplier in order to place domestic manufacturers at a disadvantage. This can be done, for instance, by withholding technical information required for fully responsive bids or by delaying requests for quotes from domestic manufacturers, thus creating apparently valid grounds for approval in excessive delivery time by the domestic supplier. To prevent frustration of the statutory intent by such means and to balance the Director's discretion to place the burden of proof on domestic manufacturers when circumstances warrant, we have added appropriate language to § 301.5(d)(3) dealing with the burden of proof.

Additional Changes

Several obvious typographical errors in the proposed rule have been corrected in the final rules. For example, we corrected § 301.8(a)(5)(ii) to read: "the institution's copy of the favorable final determination."

Also, recent Department of Commerce case-processing experience revealed a need for additional clarifying language in two places:

(1) In § 301.5(d)(1)(iii) we are including another example of a nonscientific purpose, i.e., use of an instrument in presenting a variety of subjects or merely for presenting coursework.

(2) In § 301.8(a)(1) we changed the phrase *"must* make a claim at the time of entry" to *"may* make a claim at the time of entry," because even if a person does not make a claim for duty-free entry at the time of entry, he may still be eligible for the duty-free exemption under item 851.60, TSUS, provided a duty-free application form is submitted or a protest is filed within 90 days after liquidation of the entry. (See § 301.8(c) of the regulations.) In the context in which the word "must" was used in § 301.8(a), it carries a mistaken connotation that if a person did not make a duty-free claim under item 851.60, TSUS, at the time of entry, he would not be eligible for such exemption under any circumstances.

(3) We added language to § 301.10 to reflect existing Customs regulations on instruments returned to the foreign manufacturer for repair, replacement or modification.

Conclusions

We are adopting final rules substantially in the form proposed. We clarified the definition of "components" in § 301.2(k), made a change in § 301.5(a)(4)(ii) to show that instruments differing in design could be equivalent, clarified the burden of proof in § 301.5(d)(3), made an editorial change in § 301.5(d)(1)(iii) and corrected several typographical errors. We also made changes in §§ 301.5(d)(i)(iii) and 301.10 to reflect more fully the Department's administrative practice. Finally we made a change in subsection 301.8(a)(1) to remove an inconsistency with § 301.8(c).

List of Subjects in 15 CFR Part 301

Imports, Customs duties and inspection, Educational facilities, Nonprofit organizations, Administrative practice and procedure, Scientific equipment.

15 CFR Part 301 is revised to read as follows:

PART 301—INSTRUMENTS AND APPARATUS FOR EDUCATIONAL AND SCIENTIFIC INSTITUTIONS

Sec.

301.1 General provisions.
301.2 Definitions.
301.3 Application for duty-free entry of scientific instruments.
301.4 Processing of applications by the Department of the Treasury (U.S. Customs Service).
301.5 Processing of applications by the Department of Commerce.
301.6 Appeals.
301.7 Final disposition of an application.
301.8 Instructions for entering instruments through U.S. Customs under Tariff Item 851.60.
301.9 Uses and disposition of instruments entered under Item 851.60, TSUS.
301.10 Importation of repair components under Item 851.65 for article previously entered under 851.60.

Authority: Subsection 6(c), Pub. L. 89-651, 80 Stat. 897 (19 U.S.C. 1202).

§ 301.1 General provisions.

(a) *Purpose.* This part sets forth the regulations of the Department of Commerce and the Department of the Treasury applicable to the duty-free importation of scientific instruments and apparatus by public or private nonprofit institutions.

(b) *Background.* (1) The Agreement on the importation of Educational,

Scientific and Cultural Materials (Florence Agreement; "the Agreement") is a multinational treaty, contracted to by approximately 89 countries, which seeks to further the cause of peace through the freer exchange of ideas and knowledge across national boundaries, primarily by eliminating tariffs on certain educational, scientific and cultural materials.

(2) Annex D of the Agreement provides that scientific instruments and apparatus intended exclusively for educational purposes or pure scientific research use by qualified nonprofit institutions shall enjoy duty-free entry if instruments or apparatus of equivalent scientific value are not being manufactured in the country of importation.

(3) Public Law 89–651, the Educational, Scientific, and Cultural Materials Importation Act of 1966 (19 U.S.C. 1202; "the Act"), implements the Agreement in the United States. Section 6(c) of the Act gives effect to Annex D of the Agreement. This section added tariff item 851.60 to the Tariff Schedules of the United States (TSUS) to provide for the duty-free importation of instruments and apparatus "entered for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes * * * if no instrument or apparatus of equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used is being manufactured in the United States." Headnote 1 to Schedule 8, Part 4, TSUS, was amended by Pub. L. 89–651 and provides for the use, disposition and transfer or articles and their repair components accorded duty-free entry under tariff items 851.60 and 851.65, respectively, and Headnote 6, added by Pub. L. 89–651, sets forth the duty-free procedures and responsibilities.

(c) *Summary of statutory procedures and requirements.* (1) Headnote 1 provides, among other things, that articles covered by tariff items 851.60 (scientific instruments and apparatus) and 851.65 (repair components therefor) must be exclusively for the use of the institutions involved and not for distribution, sale or other commercial use within five years after being entered. These articles may be transferred by a qualified nonprofit institution to another such institution without duty liability being incurred. However, if such article is transferred other than as provided by the preceding sentence, or is used for commercial purposes within five years after having been entered, duty shall be assessed in accordance with the procedures established in Headnote 1.

(2) Pursuant to Headnote 6 an institution desiring to enter an instrument or apparatus under tariff item 851.60 TSUS must file an application with the Secretary of the Treasury (U.S. Customs Service) in accordance with these regulations. If the application is made in accordance with the regulations, notice of the application is published in the **Federal Register** to provide an opportunity for interested persons and government agencies to present views. The application is reviewed by the Secretary of Commerce (Director, Statutory Import Programs Staff) whose decision as to whether or not duty-free entry may be accorded the instrument is published in the **Federal Register.** An appeal of the final decision may be filed with the United States Court of Customs and Patent Appeals, on questions of law only, within 20 days after publication of the decision in the **Federal Register.**

(3) Repair components for instruments or apparatus admitted duty-free under tariff item 851.60 require no application and may be entered duty-free in accordance with the procedures prescribed in § 301.10.

(d) *Authority and delegations.* The Act authorizes the Secretaries of Commerce and the Treasury to prescribe joint regulations to carry out their functions under Headnote 6, TSUS. The Secretary of the Treasury has delegated authority to the Assistant Secretary for Enforcement and Operations, who has retained rulemaking authority and further delegated administration of the regulations to the Commissioner of the U.S. Customs Service. The authority of the Secretary of Commerce has been delegated to the Deputy Assistant Secretary for Import Administration who has retained rulemaking authority and further delegated administration of the regulations to the Director of the Statutory Import Programs Staff.

§ 301.2 Definitions.

For the purposes of these regulations and the forms used to implement them:

(a) "Director" means the Director of the Statutory Import Programs Staff, International Trade Administration, U.S. Department of Commerce.

(b) "Customs" means the U.S. Customs Service and the "The Commissioner", means Commissioner of the U.S. Customs Service, or the official(s) designated to act on the Commissioner's behalf.

(c) "Customs Port" or "the Port" means the port where a particular claim has been or will be made for duty-free entry of a scientific instrument or apparatus under tariff item 851.60.

(d) "Entry" means entry of an instrument into the Customs territory of the United States for consumption or withdrawal of an instrument from a Customs bonded warehouse for consumption.

(e) "United States" includes only the several States, the District of Columbia and the Commonwealth of Puerto Rico.

(f) "Instrument" means only instruments and apparatus classifiable under the tariff items specified in headnote 6(a) of part 4 of Schedule 8. A combination of basic instrument or apparatus and accompanying accessories shall be treated as a single instrument provided that, under normal commercial practice, such combination is considered to be a single instrument and provided further that the applicant has ordered or, upon favorable action on its application, firmly intends to order the combination as a unit. Unless the context indicates otherwise, instrument or apparatus shall mean a foreign "instrument or apparatus" for which duty-free entry is sought under tariff item 851.60. Spare parts typically ordered and delivered with an instrument are also considered part of an instrument for purposes of these regulations. The term "instruments" shall not include:

(1) Materials or supplies used in the operation of instruments and apparatus such as paper, cards, tapes, ink, recording materials, expendable laboratory materials, apparatus that loses identity or is consumed by usage or other materials or supplies.

(2) Ordinary equipment for use in building construction or maintenance; or equipment for use in supporting activities of the institution, such as its administrative offices, machine shops, libraries, centralized computer facilities, eating facilities, or religious facilities; or support equipment such as copying machines, glass working apparatus and film processors.

(3) General purpose equipment such as air conditioners, electric typewriters, electric drills, refrigerators.

(4) General-purpose computers. Accessories to computers which are not eligible for duty-free treatment are also ineligible. Scientific instruments containing embedded computers which are to be used in a dedicated process or in instrument control, as opposed to general data processing or computation, are, however, eligible for duty-free consideration.

(5) Instruments initially imported solely for testing or review purposes which were entered under bond under

tariff item 864.30, subject to the provisions of Headnote 1(a) of Subpart C, Part 5, Schedule 8 TSUS and must be exported or destroyed within the time period specified in that headnote.

(g) "Domestic instrument" means an instrument which is manufactured in the United States. A domestic instrument need not be made exclusively of domestic components or accessories.

(h) "Accessory" has the meaning which it has under normal commercial usage. An accessory, whether part of an instrument or an attachment to an instrument, adds to the capability of an instrument. An accessory for which duty-free entry is sought under item 851.60 shall be the subject of a separate application when it is not an accompanying accessory.

(i) "Accompanying accessory" means an accessory for an instrument that is listed as an item in the same purchase order and that is necessary for accomplishment of the purposes for which the instrument is intended to be used.

(j) "Ancillary equipment" means an instrument which may be functionally related to the foreign instrument but is not operationally linked to it. Examples of ancillary equipment are vacuum evaporators or ultramicrotomes, which can be used to prepare specimens for electron microscopy. Further, equipment which is compatible with the foreign instrument, but is also clearly compatible with similar domestic instruments, such as automatic sampling equipment sold for use with a variety of mass spectrometers, will be treated as ancillary equipment. A separate application will be required for ancillary equipment even if ordered with the basic instrument.

(k) "Components" of an instrument means parts or assemblies of parts which are substantially less than the instrument to which they relate. A component enables an instrument to function at a specified minimum level, while an accessory adds to the capability of an instrument. Applications shall not be accepted for components of instruments that did not enter duty-free under tariff item 851.60 or for components of instruments being manufactured or assembled by a commercial firm or entity in the U.S. In determining whether an item is a component ineligible for duty-free consideration or an accessory eligible for such consideration, Customs shall take into account such factors as the item's complexity, novelty, degree of integration and pertinency to the research purposes to be performed by the instrument as a whole.

(l) "Produced for stock" means an instrument which is manufactured, on sale and available from a stock.

(m) "Produced on order" means an instrument which a manufacturer lists in current catalog literature and is able and willing to produce and have available without unreasonable delay to the applicant.

(n) "Custom-made" means an instrument which a manufacturer is willing and able to make to purchaser's specifications. Instruments resulting from a development effort are treated as custom-made for the purposes of these regulations. Also, a special-order variant of a produced on order instrument, with significant modifications specified by the applicant, may be treated as custom-made.

(o) "Same general category" means the category in which an instrument is customarily classified in trade directories and product-source lists, e.g., scanning electron microscope, mass spectrometer, light microscope, x-ray spectrometer.

(p) "Comparable domestic instrument" means a domestic instrument capable or potentially capable of fulfilling the applicant's technical requirements or intended uses, whether or not in the same general category as the foreign instrument.

(q) "Specifications" means the particulars of the structural, operational and performance characteristics or capabilities of a scientific instrument.

(r) "Guaranteed" specifications are those specifications which are an explicit part of the contractual agreement between the buyer and the seller (or which would become part of the agreement if the buyer accepted the seller's offer), and refer only to the minimum and routinely achievable performance levels of the instrument under specified conditions. If a capability is listed or quoted as a range (e.g., "5 to 10 angstrom") or as a minimum that may be exceeded (e.g., "5 angstroms or better"), only the inferior capability may be considered the guaranteed specification. Evidence that specifications are "guaranteed" will normally consist of their being printed in a brochure or other descriptive literature of the manufacturer; being listed in a purchase agreement upon which the purchase is conditioned; or appearing in a manufacturer's formal response to a request for quote. If, however, no opportunity to submit a bid was afforded the domestic manufacturer or if, for any other reason, comparable guaranteed specifications of the foreign and domestic instruments do not appear on the record, other evidence relating to a manufacturer's ability to provide an instrument with comparable specifications may, at the discretion of the Director, be considered in the comparison of the foreign and domestic instruments' capabilities.

(s) "Pertinent" specifications are those specifications necessary for the accomplishment of the specific scientific research and/or science-related educational purposes described by the applicant. Specifications of features (even if guaranteed) which afford greater convenience, satisfy personal preferences, accommodate institutional commitments or limitations, or assure lower costs of acquisition, installation, operation, servicing or maintenance are not pertinent. For example, a design feature, such as a small number of knobs or controls on an instrument primarily designed for research purposes, would be a convenience. The ability to fit an instrument into a small room, when the required operations could be performed in a larger room, would be either a cost consideration or a matter of convenience and not a pertinent specification. In addition, mere difference in design (which would, for example, broaden the educational experience of students but not provide superior scientific capability) would not be pertinent. Also, unless the applicant demonstrates it is necessary for the accomplishment of its specific scientific purposes, the terms does not extend to such characteristics as size, weight, appearance, durability, reliability, complexity or (simplicity) ease of operation, ease of maintenance, productivity, versatility, "state of the art" design, specific design, or other such characteristics.

§ 301.3 Application for duty-free entry of scientific instruments.

(a) *Who may apply.* an applicant for duty-free entry of an instrument under tariff item 851.60 must be a public or private nonprofit institution which is established for educational or scientific purposes and which has placed a bona fide order or has a firm intention to place a bona fide order for a foreign instrument within 60 days following a favorable decision on the institution's application.

(b) *Application forms.* Applications must be made on form ITA–338P which may be obtained from the Statutory Import Program Staff, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, or from the various District Offices of the U.S. Department of Commerce.

(c) *Where to apply.* Applications must be filed with the U.S. Customs Service,

Department of the Treasury, at the address specified on page 1 of the form.

(d) Seven copies of the form, including relevent supporting documents, must be submitted to the U.S. Customs Service. Two copies of the form shall be signed in the original by the person in the applicant institution under whose direction and control the foreign instrument will be used and who is familiar with the intended uses of the instrument. The remaining five copies of the form may be copies of the originals. Attachments should by fully identified and referenced to the question(s) on the form to which they relate.

(e) A single application (in the requisite number of copies) may be submitted for any quantity of the same type or model of foreign instrument provided that the entire quantity is intended to be used for the same purposes and provided that all units are included on a single purchase order. A separate application shall be submitted for each different type or model or variation in the type or model of instrument for which duty-free entry is sought even if covered by a single purchase order. Orders calling for multiple deliveries of the same type or model of instrument over a substantial period of time may, at the discretion of the Director, require multiple applications.

(f) Failure to answer completely all questions on the form in accordance with the instructions on the form or to supply the requisite number of copies of the form and supporting documents (seven) may result in delays in processing of the application while the deficiencies are remedied, return of the application without processing, or denial of the application without prejudice to resubmission. Any questions on these regulations or the application form should be addressed to the Director.

§ 301.4 Processing of applications by the Department of the Treasury (U.S. Customs Service).

(a) *Review and determination.* The Commissioner shall date each application when received by Customs. If the application appears to be complete, the Commissioner shall determine:

(1) Whether the institution is a nonprofit private or public institution established for research and educational purposes and therefore authorized to import instruments into the U.S. under tariff item 851.60. In making this determination the Commissioner will generally review the application to determine if the applicant has attached a copy of the letter from the Internal Revenue Service (IRS) granting the institution nonprofit status (exemption from Federal income tax) under Section 501(c)(3) of the IRS Code or will determine if the institution is listed in a current edition of "Cumulative List of Exempt Organizations";

(2) Whether the instrument falls within the classes of instruments eligible for duty-free entry consideration under tariff item 851.60 (For eligible classes see Headnote 6(a), Part 4, Schedule 8, TSUS); and

(3) Whether the instrument which is the subject of the application is intended for the exclusive use of the applicant institution and is not intended to be used for commercial purposes. For the purposes of this section, commercial uses would include, but not necessarily be limited to: Distribution or sale of the instrument by the applicant institution; any use by, or for the primary benefit of, a commercial entity; or use of the instrument for demonstration purposes in return for a fee or other valuable consideration. In making the above determination, the Commissioner may consider, among other things, whether the results of any research to be performed with the instrument will be fully and timely made available to the public. For the purposes of this section, use of an instrument for the treatment of patients is considered noncommercial.

If any of the Commissioner's determinations is in the negative, the application shall be found to be outside the scope of the Act and shall be returned to the applicant with a statement of the reason(s) for such findings.

(b) *Forwarding of applications to the Department of Commerce.* If the Commissioner finds the application to be within the sope of the Act and these regulations, the Commissioner shall (1) assign a number to the application and (2) forward one copy to the Secretary of the Department of Health and Human Services (HHS), and four copies, including one that has been signed in the original, to the Director. The Commissioner shall retain one copy signed in the original and return the remaining copy to the applicant stamped "Accepted for Transmittal to the Department of Commerce." The applicant shall file the stamped copy of the form with the Port when formal entry of the article is made. If entry has already occurred under a claim of tariff item 851.60, the applicant (directly or through his/her agent) shall at the earliest possible date supply the stamped copy to the Port. Further instructions for entering instruments are contained in § 301.8 of the regulations.

§ 301.5 Processing of applications by the Department of Commerce.

(a) *Public notice and opportunity to present views.* (1) Within 10 days of receipt of an application from the Commissioner, the Director shall make a copy available for public inspection during ordinary business hours of the Department of Commerce. Unless the Director determines that an application has deficiencies which preclude consideration on its merits (e.g., insufficient description of intended purposes to rule on the scientific equivalency of the foreign instrument and potential domestic equivalents), he shall publish in the **Federal Register** a notice of the receipt of the application to afford all interested persons a reasonable opportunity to present their views with respect to the question "whether an instrument or apparatus of equivalent scientific value for the purpose for which the article is intended to be used is being manufactured in the United States." The notice will include the application number, the name and address of the applicant, a description of the instrument(s) for which duty-free entry is requested, the name of the foreign manufacturer and a brief summary of the applicant's intended purposes extracted from the applicant's answer to question 7 of the application. In addition, the notice shall specify the date the application was accepted by the Commissioner for transmittal to the Department of Commerce.

(2) If the Director determines that an application is incomplete or is otherwise deficient, he may request the applicant to supplement the application, as appropriate, prior to publishing the notice of application in the **Federal Register.** Supplemental information/material requested under this provision shall be supplied to the Director in four copies within 20 days of the date of the request and shall be subject to the certification contained in Question 11 of the form. Failure to provide the requested information on time shall result in a denial of the application without prejudice to resubmission.

(3) *Requirement for presentation of views (comments) by interested persons.* Any interested person or government agency may make written comments to the Director with respect to the question whether an instrument of equivalent scientific value, for the purposes for which the foreign instrument is intended to be used, is being manufactured in the United States. Except for comments specified in paragraph (a)(4) of this section, comments should be in the form of supplementary answers to the

applicable questions on the application form. Comments must be postmarked no later than 20 days from the date on which the notice of application is published in the **Federal Register.** In order to be considered, comments and related attachments must be submitted to the Director in triplicate; shall state the name, affiliation and address of the person submitting the comment; and shall specify the application to which the comment applies. In order to preserve the right to appeal the Director's decision on a particular application pursuant to § 301.6 of these regulations, a domestic manufacturer or other interested person must make timely comments on the application. Separate comments should be supplied on each application in which a person has an interest. However, brochures, pamphlets, printed specifications and the like, included with previous comments, if properly identified, may be incorporated by reference in subsequent comments. If the Director knows of the availability of a domestic instrument which may be comparable to the foreign instrument, he may: (i) require the applicant to compare the domestic instrument with the foreign instrument; or (ii) compare the two instruments whether or not comments are received from a domestic manufacturer on the specific application.

(4) *Comments by domestic manufacturers.* Comments of domestic manufacturers opposing the granting of an application should:

(i) Specify the domestic instrument considered to be scientifically equivalent to the foreign article for the applicant's specific intended purposes and include documentation of the domestic instrument's guaranteed specifications and date of availability.

(ii) Show that the specifications claimed by the applicant in response to question 8 to be pertinent to the intended purpose can be equaled or exceeded by those of the listed domestic instrument(s) whether or not it has the same design as the foreign instrument; that the applicant's alleged pertinent specifications should not be considered pertinent within the meaning of § 301.2(s) of the regulations for the intended purposes of the instrument described in response to question 7 of the application; or that the intended purposes for which the instrument is to be used do not qualify the instrument for duty-free consideration under the Act.

(iii) Where the comments regarding paragraphs (a)(4)(i) and (a)(4)(ii) of this section relate to a particular accessory or optional device offered by a domestic manufacturer, cite the type, model or other catalog designation of the accessory device and include the specification therefor in the comments.

(iv) Where the justification for duty-free entry is based on excessive delivery time, show whether—

(A) The domestic instrument is as a general rule either produced for stock, produced on order, or custom-made and;

(B) An instrument or apparatus of equivalent scientific value to the article, for the purposes described in response to question 7, could have been produced and delivered to the applicant within a reasonable time following the receipt of the order.

(v) Indicate whether the applicant afforded the domestic manufacturer an opportunity to furnish an instrument or apparatus of equivalent scientific value to the article for the purposes described in response to question 7 and, if such be the case, whether the applicant submitted a formal invitation to bid that included the technical requirements of the applicant.

(5) *Untimely comments.* Comments must be made on a timely basis to ensure their consideration by the Director and the technical consultants, and to preserve the commenting person's right to appeal the Director's decision on an application. The Director, in his discretion, may entertain comments filed untimely to the extent that they contain factual information, as opposed to arguments, explanations or recommendations.

(6) *Provision of general comments.* A domestic manufacturer who does not wish to oppose duty-free entry of a particular application, but who desires to apprise the Director of the availability and capabilities of its instrument(s), may at any time supply documentation to the Director without reference to a particular application. Such documentation shall be routinely taken into account by the Director when applications involving comparable foreign instruments are received. The provision of general comments does not preserve the commentor's right to appeal the Director's decision on a particular application.

(7) *Provision of application to domestic manufacturers.* To facilitate timely comments, the Director may furnish copies of certain applications to domestic manufacturers who intend to comment on applications, provided:

(i) The manufacturer requests the service in writing;

(ii) The manufacturer provides copies of current company literature regarding the domestic instrument and its guaranteed capabilities; and

(iii) The manufacturer identifies the specific models or types of comparable foreign instrument(s) that it proposes to comment on. The Director may furnish for comment copies of the appropriate applications to the domestic manufacturer until the firm requests that the service be discontinued, provided the firm utilizes the service to supply written comments on applications. If the recipient of the service fails to avail itself of the opportunity to comment on appropriate applications for a period of one year, the Director may at his discretion discontinue the service. For reasons of cost and administrative burden, the service may be discontinued at the discretion of the Director. In such case the Director shall notify all recipients of the service in writing of such discontinuance.

(b) *Additions to the record.* The Director may solicit from the applicant or from foreign or domestic manufacturers, and agents thereof, or any other person or Government agency considered by the Director to have competence on any issue pertaining to an application, any additional information the Director deems necessary to the rendering of a decision. The Director may attach such conditions and time limitations deemed appropriate upon the provision of such information and may draw appropriate inferences from a person's failure to provide the requested information.

(c) *Advice from technical consultants.*—(1) The Director shall consider any written advice from the Secretary of HHS, or his delegate, on the question whether a domestic instrument of equivalent scientific value to the foreign instrument, for the purposes for which the instrument is intended to be used, is being manufactured in the United States.

(2) After the comment period has ended (§ 301.5(a)(3)), the complete application and any comments received and related information are forwarded to the appropriate technical consultants for their written advice.

(3) The technical consultants are requested to provide their written recommendation within 30 days of the date of transmittal. The technical consultants relied upon for advice may include, but are not limited to, the National Institutes of Health (delegated the function by the Secretary of HHS), the National Bureau of Standards and the National Oceanographic and Atmospheric Administration.

(d) *Criteria for the determinations of the Department of Commerce.*—(1) *Scientific equivalency.* (i) The determination of scientific equivalency shall be based on a comparison of the pertinent specifications of the foreign instrument with similar pertinent

specifications of comparable domestic instruments (see § 301.2(s) for the definition of pertinent specification). Ordinarily, the Director will consider only those performance characteristics which are "guaranteed specifications" within the meaning of § 301.2(r) above. In no event, however, shall the Director consider performance capabilities superior to the manufacturer's guaranteed specifications or their equivalent. In making the comparison the Director may consider a reasonable combination of domestic instruments that combines two or more functions into an integrated unit if the combination of domestic instruments is capable of accomplishing the purposes for which the foreign instrument is intended to be used. If the Director finds that a domestic instrument possesses all of the pertinent specifications of the foreign instrument, he shall find that there is being manufactured in the United States an instrument of equivalent scientific value for such purposes as the foreign instrument is intended to be used. If the Director finds that the foreign instrument possesses one or more pertinent specifications not possessed by the comparable domestic instrument(s), the Director shall find that there is not being manufactured in the United States an instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument is intended to be used.

(ii) Programs that may be undertaken at some unspecified future date shall not be considered in the Director's comparison. In making the comparison, the Director shall consider only the instrument and accompanying accessories described in the application and determined eligible by the U.S. Customs Service. The Director shall not consider the planned purchase of additional accessories or the planned conversion of the article at some unspecified future time for such programs.

(iii) In order for the Director to make a determination with respect to the "scientific equivalency" of the foreign and domestic instruments, the applicant's intended purposes must include either scientific research or science-related educational programs. Instruments used exclusively for nonscientific purposes have no scientific value, thereby precluding the requisite finding by the Director with respect to "whether an instrument or apparatus of equivalent scientific value to such article, for the purposes for which the article is intended to be used, is being manufactured in the United States." In such cases the Director shall deny the application for the reason that the instrument has no scientific value for the purposes for which it is intended to be used. Examples of nonscientific purposes would be the use of an instrument in routine diagnosis or patient care and therapy (as opposed to clinical research); in teaching a nonscientific trade (e.g., printing, shoemaking, metalworking or other types of vocational training); in teaching nonscientific courses (e.g., music, home economics, journalism, drama); in presenting a variety of subjects or merely for presenting coursework, whether or not science related (e.g., video tape editors, tape recorders, projectors); and in conveying cultural information to the public (e.g., a planetarium in the Smithsonian Institution).

(2) *Manufactured in the United States.* An instrument shall be considered as being manufactured in the United States if it is customarily "produced for stock," "produced on order" or "custom-made" within the United States. In determining whether a U.S. manufacturer is able and willing to produce an instrument, and have it available without unreasonable delay, the normal commercial practices applicable to the production and delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take into account under the circumstances of a particular case. For example, in determining whether a domestic manufacturer is able to produce a custom-made instrument, the Director may take into account the production experience of the domestic manufacturer including (i) the types, complexity and capabilities of instruments the manufacturer has produced, (ii) the extent of the technological gap between the instrument to which the application relates and the manufacturer's customary products, (iii) the manufacturer's technical skills, (iv) the degree of saturation of the manufacturer's production capability, and (v) the time required by the domestic manufacturer to produce the instrument to the purchaser's specification. Whether or not the domestic manufacturer has field tested or demonstrated the instrument will not, in itself, enter into the decision regarding the manufacturer's ability to manufacture an instrument. Similarly, in determining whether a domestic manufacturer is willing to produce an instrument, the Director may take into account the nature of the bid process, the manufacturer's policy toward manufacture of the product(s) in question, the minimum size of the manufacturer's production runs, whether the manufacturer has bid similar instruments in the past, etc. Also, if a domestic manufacturer was formally requested to bid an instrument, without reference to cost limitations and within a leadtime considered reasonable for the category of instrument involved, and the domestic manufacturer failed formally to respond to the request, for the purposes of this section the domestic manufacturer would not be considered willing to have supplied the instrument.

(3) *Burden of proof.* The burden of proof shall be on the applicant to demonstrate that no instrument of equivalent scientific value for the purposes for which the foreign instrument is to be used is being manufactured in the United States. Evidence of applicant favoritism towards the foreign manufacturer (advantages not extended to domestic firms, such as additional lead time, know-how, methods, data on pertinent specifications or intended uses, results of research or development, tools, jigs, fixtures, parts, materials or test equipment) may be, at the Director's discretion, grounds for rejecting the application.

(4) *Excessive delivery time.* Duty-free entry of the instrument shall be considered justified without regard to whether there is being manufactured in the United States an instrument of equivalent scientific value for the intended purposes if excessive delivery time for the domestic instrument would seriously impair the accomplishment of the applicant's intended purposes. For purposes of this section, (i) except when objective and convincing evidence is presented that, at the time of order, the actual delivery time would significantly exceed quoted delivery time, no claim of excessive delivery time may be made unless the applicant has afforded the domestic manufacturer an opportunity to quote and the delivery time for the domestic instrument exceeds that for the foreign instrument; and (ii) failure by the domestic manufacturer to quote a specific delivery time shall be considered a non-responsive bid (see § 301.5(d)(2)). In determining whether the difference in delivery times cited by the applicant justifies duty-free entry on the basis of excessive delivery time, the Director shall take into account (A) the normal commercial practice applicable to the production of the general category of instrument involved; (B) the efforts made by the applicant to secure delivery of the instruments (both foreign and

domestic) in the shortest possible time; and (C) such other factors as the Director finds relevant under the circumstances of a particular case.

(e) *Denial without prejudice to resubmission (DWOP).* The Director may, at any stage in the processing of an application by the Department of Commerce, DWOP an application if the application contains any deficiency which, in the Director's judgment, prevents a determination on its merits. The Director shall state the deficiences of the application in a letter to the applicant in making the provisional denial.

(1) The applicant has 60 days from the date of the DWOP to correct the cited deficiencies in the application unless a request for an extension of time for submission of the supplemental information has been received by the Director prior to the expiration of the 60-day period and is approved.

(2) The written request (letter or telegram) for an extension should indicate the reasons for the request and the amount of additional time needed. If granted, extensions of time will generally be limited to 30 days.

(3) Resubmissions must reference the application number of the earlier application. The resubmission shall be made by letter and filed in quadruplicate with the Director. The record of a resubmitted applications shall include the original submission on file with the Department. Any new material or information contained in a resubmission, which should address the specific deficiencies cited in the DWOP letter, should be clearly labeled and referenced to the applicable question(s) on the application form. The resubmission should be signed and dated by the individual in the applicant institution who signed the original application or, in his/her absence, the individual in the applicant institution under whose direction and control the foreign instrument will be used and who is familiar with the intended uses of the instrument. The resubmission must be for the instrument covered by the original application unless the DWOP letter specifies to the contrary. The resubmission shall be subject to the certification contained in question 11 on the original application.

(4) If the applicant fails to resubmit within the applicable time period, the prior DWOP shall, irrespective of the merits of the case, result in a denial of the application.

(5) The Director shall use the postmark date of the fully completed resubmission in determining whether the resubmission was made within the allowable time period. Certified or registered mail, or some other means which can unequivocally establish the date of mailing, is recommended.

(6) The applicant may, at any time prior to the end of the resubmission period, notify the Director in writing that it does not intend to resubmit the application. Upon such notification, the application will be deemed to have been withdrawn. (See § 301.5(g).)

(7) Information provided in a resubmission that, in the judgment of the Director, contradicts or conflicts with information provided in a prior submission, or is not a reasonable extension of the information contained in the prior submission, shall not be considered in making the decision on an application that has been resubmitted. Accordingly, an applicant may elect to reinforce an orginal submission by elaborating in the resubmission on the description of the purposes contained in a prior submission and may supply additional examples, documentation and/or other clarifying detail, but the applicant shall not introduce new purposes or other material changes in the nature of the original application. The resubmission should address the specific deficiencies cited in the DWOP. The Director may draw appropriate inferences from the failure of an applicant to attempt to provide the information requested in the DWOP.

(8) In the event an applicant fails to address the noted deficiencies in the response to the DWOP, the Director may deny the application.

(9) Upon receipt of a responsive resubmission the Director shall publish a notice in the **Federal Register** citing the number of the earlier application, the name and address of the applicant institution, the instrument(s) involved, and any other information the Director deems relevant. The notice will also include the **Federal Register** citation for the original notice of application. Procedures applicable to comments on the processing of original applications shall thereafter apply.

(f) Decisions on applications. The Director shall prepare a written decision granting or denying each application. However, when he deems appropriate, the Director may issue a consolidated decision on two or more applications. The Director shall promptly forward a copy of the decision to each applicant institution and to the **Federal Register** for publication.

(g) Withdrawal of applications. The Director shall discontinue processing an application withdrawn by the applicant and shall publish notice of such withdrawal in the **Federal Register**. If at any time while its application is pending before the Director, either during the intital application or resubmission stage, an applicant cancels an order for the instrument to which the application relates or ceases to have a firm intention to order such instrument or apparatus, the institution shall promptly notify the Director. Such notification shall constitute a withdrawal. Withdrawals shall be considered as having been finally denied for purposes of § 301.7(c) below.

(h) Nothing in this subsection shall be construed as limiting the Director's discretion at any stage of processing to insert into the record and consider in making his decision any information in the public domain which he deems relevant.

§ 301.6 Appeals

(a) An appeal from any decision made pursuant to § 301.5(f) may be taken, in accordance with headnote 6(e) to part 4 of Schedule 8, only to the U.S. Court of Customs and Patent Appeals and only on questions of law, within 20 days after publication of the decision in the **Federal Register**. If at any time while its application is under consideration by the Court of Customs and Patent Appeals on an appeal from a finding by the Director an institution cancels an order for the instrument to which the application relates or ceases to have a firm intention to order such instrument, the institution shall promptly notify the court.

(b) An appeal may be taken by: (1) The institution which makes the application;

(2) A person who, in the proceeding which led to the decision, timely represented to the Secretary of Commerce in writing that he/she manufactures in the United States an instrument of equivalent scientific value for the purposes for which the instrument to which the application relates is intended to be used;

(3) The importer of the instrument, if the instrument to which the application relates has been entered at the time the appeal is taken; or

(4) An agent of any of the foregoing.

(c) Questions regarding appeal procedures should be addressed directly to the U.S. Court of Customs and Patent Appeals, Clerks's Office, Washington, D.C. 20439.

§ 301.7 Final disposition of an application.

(a) Disposition of an application shall be final when 20 days have elapsed after publication of the Director's final decision in the **Federal Register** (see § 301.6(a)) and no appeal has been taken pursuant to § 301.6 of these regulations, of if such appeal has been taken, when

final judgment is made and entered by the Court.

(b) The Director shall notify the Customs Port when disposition of an application becomes final. If the Director has not been advised of the port of entry of the instrument, or if entry has not been made when the decision on the application becomes final, the Director shall notify the Commissioner of final disposition of the application.

(c) An instrument, the duty-free entry of which has been finally denied, may not be the subject of a new application from the same institution.

§ 301.8 Instructions for entering instruments through U.S. Customs under Tariff Item 851.60.

Failure to follow the procedures in this section may disqualify an instrument for duty-free entry notwithstanding an approval of an application on its merits by the Department of Commerce.

(a) *Entry procedures.* (1) An applicant desiring duty-free entry of an instrument may make a claim at the time of entry of the instrument into the Customs territory of the United States that the instrument is entitled to duty-free classification under tariff item 851.60.

(2) If no such claim is made the instrument shall be immediately classified without regard to tariff item 851.60, duty will be assessed, and the entry liquidated in the ordinary course.

(3) If a claim is made for duty-free entry under tariff 851.60, the entry shall be accepted without requiring a deposit of estimated duties provided that a copy of the form, stamped by Customs as accepted for transmittal to the Department of Commerce in accordance with § 301.4(b), is filed simultaneously with the entry.

(4) If a claim for duty-free entry under tariff item 851.60 is made but is not accompanied by a copy of the properly stamped form, a deposit of the estimated duty is required. Liquidation of the entry shall be suspended for a period of 180 days from the date of entry. On or before the end of this suspension period the applicant must file with the Customs Port a properly stamped copy of the form. In the event that the Customs Port does not receive a copy of the properly stamped form within 180 days the instrument shall be classified and liquidated in the ordinary course, without regard to tariff item 851.60.

(5) Entry of an instrument after the Director's approval of an application. Whenever an institution defers entry until after it receives a favorable final determination on the application for duty-free entry of the instrument, the importer shall file with the entry of the instrument (i) the stamped copy of the form, (ii) the institution's copy of the favorable final determination and (iii) proof that a bona fide order for the merchandise was placed on or before the 60th day after the favorable decision became final pursuant to § 301.7 of these regulations. Liquidation in such case shall be made under tariff item 851.60.

(b) *Normal Customs entry requirements.* In addition to the above entry requirements mentioned in paragraph (a) of this section, the normal Customs entry requirements must be met. In most of the cases, the value of the merchandise will be such that the formal Customs entry requirements, which generally include the filing of a Customs entry bond, must be complied with. (For further information, see 19 CFR 142.3 and 142.4 (TD–221)).

(c) *Late filing.* Notwithstanding the preceding provisions of § 301.8 any document, form, or statement required by regulations in this section to be filed in connection with the entry may be filed at any time before liquidation of the entry becomes final, provided that failure to file at the time of entry or within the period for which a bond was filed for its production was not due to willful negligence or fraudulent intent. Liquidation of any entry becomes conclusive upon all persons if the liquidation is not protested in writing in accordance with 19 CFR Part 174, or the necessary document substantiating duty-free entry is not produced in accordance with 19 CFR 10.112, within 90 days after notice of liquidation. Upon notice of such final and conclusive liquidation, the Department of Commerce will cease the processing of any pending application for duty-free entry of the subject article. In all other respects, the provisions of this section do not apply to Department of Commerce responsibilities and procedures for processing applications pursuant to other sections of these regulations.

(d) *Payment of duties.* The applicant will be billed for payment of duties when Customs determines that such payment is due.

§ 301.9 Uses and disposition of instruments entered under Item 851.60, TSUS.

(a) An instrument granted duty-free entry may be transferred from the applicant institution to another eligible institution provided the latter institution agrees not to use the instrument for commercial purposes within 5 years of the date of entry of the instrument. In such cases title to the instrument must be transferred directly between the institutions involved. An institution transferring a foreign instrument entered under item 851.60 within 5 years of its entry shall so inform the Customs Port in writing and shall include the following information:

(1) The name and address of the transferring institution.

(2) The name and address of the transferee.

(3) The date of transfer.

(4) A detailed description of the instrument.

(5) The serial number of the instrument and any accompanying accessories.

(6) The entry number, date of entry, and port of entry of the instrument.

(b) Whenever the circumstances warrant, and occasionally in any event, the fact of continued use for 5 years for noncommercial purposes by the applicant institution shall be verified by Customs.

(c) If an instrument is transferred in a manner other than specified above or is used for commercial purposes within 5 years of entry, the institution for which such instrument was entered shall promptly notify the Customs officials at the Port and shall be liable for the payment of duty in an amount determined on the basis of its condition as imported and the rate applicable to it.

§ 301.10 Importation of repair components under Item 851.65 for article previously entered under Item 851.60.

(a) An institution which owns an instrument entered under tariff item 851.60 and desires to enter repair components for such instrument under tariff item 851.65 may do so without regard to the application procedures applicable to entries under item 851.60 provided the institution certifies to the customs official at the port of entry upon entry of such components that they are needed repair components for an instrument owned by that institution and previously entered and classified under tariff item 851.060.

(b) Instruments entered under item 851.60 and subsequently returned to the foreign manufacturer for repair, replacement or modification are not covered by tariff item 851.65, although they may, in certain circumstances, be considered non-dutiable under other Customs provisions (e.g., drawback within the specified period pursuant to 19 U.S.C. 1313(c)). Such instruments, if classified as dutiable by Customs, may nevertheless be made the subject of a new application under tariff item 851.60.

Issued at Washington, D.C., July 1, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration, Department of Commerce.

William von Raab,

Commissioner, Customs Service.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations), Treasury Department.

[FR Doc. 82-20404 Filed 7-27-82; 8:45 am]

BILLING CODE 3510-25-M
BILLING CODE 4820-02-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[PH-FRL 2177-5; OPP-260045]

Cyano(3-Phenoxyphenyl)Methyl 4-Chloro-Alpha-(1-Methylethyl) Benzeneacetate; Tolerances for Pesticides; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment.

SUMMARY: This notice removes § 193.86 which established a food additive regulation for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl) benzeneacetate in or on dried apple pomace. Since dried apple pomace is an *animal feed* and not a *human food item* the regulation under § 193.86 is removed.

EFFECTIVE DATE: July 28, 1982.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Chief, Federal Register Staff (TS-788), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460 (202-382-3637).

SUPPLEMENTARY INFORMATION: EPA issued a final rule published in the **Federal Register** of August 14, 1980 (45 FR 54036) which announced that a food additive regulation had been established for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on dried apple pomace at 0.2 parts per million (ppm).

In the **Federal Register** of April 7, 1982 (47 FR 14896) a feed additive regulation under § 561.97 was also established for residues of the above insecticide in or on dried apple pomace at 20 ppm.

Since dried apple pomace is an *animal feed* and not a *human food item* the regulation under § 193.86 is removed.

List of Subjects in 21 CFR Part 193

Animal foods, Pesticides and pests.

Dated: July 26, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

§ 193.86 [Removed]

Therefore, 21 CFR Part 193 is amended by removing § 193.86.

[FR Doc. 82-20472 Filed 7-27-82; 8:45 am]

BILLING CODE 6560-50-M

21 CFR Part 193

[FAP OH5263/R117, PH-FRL 2177-7]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Ethephon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends a food additive regulation for the plant growth regulator ethephon in or on sugarcane molasses. This regulation is extended in conjunction with an experimental use permit requested by Union Carbide to permit the continued marketing of sugarcane molasses while further data are collected on ethephon.

EFFECTIVE DATE: Effective on July 28, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 211, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a regulation published in the **Federal Register** of March 12, 1981 (46 FR 16256) establishing a regulation permitting the residues of the plant growth regulator ethephon [(2-chloroethyl)phosphonic acid] in sugarcane molasses with a tolerance limitation of 7 parts per million (ppm), resulting from the application of the plant growth regulator to growing sugarcane in conjunction with an experimental use program.

EPA, at the request of the Union Carbide Agricultural Products Co., PO Box 12014, T. W. Alexander Dr., Research Triangle Park, NC 27799, has renewed this regulation to expire July 16, 1984.

The data submitted in the petition and other relevant material have been evaluated and discussed in the initial regulation published in the **Federal Register** of March 12, 1981 (46 FR 16256).

The metabolism of ethephon is adequately understood, and an adequate analytical method is available for enforcement purposes. The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973; 76 U.S.C. 136 *et seq.*). Therefore, the regulation is extended as set forth below.

Any person adversely affected by this regulation may, on or before August 27, 1982, file written objections with the Hearing Clerk at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Part 193

Food additives, Pesticides and pests.

Dated: July 16, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR 193.186(b) is amended by extending the expiration date for sugarcane molasses to read as follows:

§ 193.186 Ethephon.

* * * * *

(b) * * *

Foods	Parts per million	Company	Expiration date
*	*	*	*
Sugarcane, molasses.	7.0	Union Carbide	July 16, 1984.
*	*	*	*

[FR Doc. 82-20408 Filed 7-27-82; 8:45 am]

BILLING CODE 6560-50-M

21 CFR Part 561

[FAP 9H5206/R116; PH-FRL 2176-6]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Diflubenzuron

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation for residues of the insecticide diflubenzuron in or on soybean hulls and soybean soap stock. This regulation to establish the maximum permissible levels for the insecticide in or on the commodities was requested by TH Agriculture and Nutrition Co., Inc.

EFFECTIVE DATE: July 28, 1982

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D.R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis HIghway, Arlington, VA 22202; (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of April 12, 1979 (44 FR 21882) which announced that Thompson Hayward Chemical Co., P.O. Box 2383, Kansas City, KS 66110, had filed a feed additive petition (FAP 9H5206) with EPA proposing that 21 CFR Part 561 be amended by permitting residues of the insecticide diflubenzuron [*N*-[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide) in or on the commodities soybean hulls at 0.5 part per million (ppm) and soybean soap stock at 0.1 ppm. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicity and other relevant data pertaining to this insecticide are included in a related document (PP 6F1832/R467) which appears elsewhere in this issue of the **Federal Register.**

The established tolerances for residues in eggs, milk, meat, and poultry are adequate to cover secondary residues resulting from the proposed uses as delineated in 40 CFR 180.6(a)(2).

The pesticide is considered useful for the purpose for which the feed additive regulation is sought, and it is concluded that the insecticide may be safely used in accordance with the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA as amended (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq.*). Therefore, the feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may, by August 27, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Part 561

Animal feeds, Pesticides and pests.

Dated: July 12, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR Part 561 is amended by establishing a new § 561.420 to read as follows:

§ 561.420 Diflubenzuron.

A regulation is established permitting residues of the insecticide diflubenzuron [*N*-[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide) in or on the following feed commodities:

Feeds	Parts per million
Soybean hulls	0.5
Soybean soap stock	0.1

[FR Doc. 82-20160 Filed 7-27-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF EDUCATION

34 CFR Part 106

Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance

AGENCY: Education Department.

ACTION: Final regulations.

SUMMARY: The Secretary of Education amends the Title IX regulation (nondiscrimination on the basis of sex) by revoking § 106.31(b)(5) which prohibits discrimination in the application of codes of personal appearance. This amendment permits the Department to concentrate its resources on cases involving more serious allegations of sex discrimination. Development and enforcement of appearance codes is an issue for local determination.

EFFECTIVE DATE: Unless Congress takes certain adjournments, these regulations will take effect 45 days after publication

in the **Federal Register**. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

ADDRESSES: Any questions concerning these regulations should be addressed to Harry M. Singleton, Acting Assistant Secretary for Civil Rights, 400 Maryland Avenue, SW. (Room 5000 Switzer Building), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Antonio J. Califa, Telephone No. (202) 245–2184.

SUPPLEMENTARY INFORMATION: Revocation of this subparagraph of the Title IX regulations permits issues involving codes of personal appearance to be resolved at the local level. The Department will concentrate on enforcing Title IX in cases involving more serious allegations of sex discrimination. There is no indication in the legislative history of Title IX that Congress intended to authorize Federal regulations in the area of appearance codes.

A Notice of Proposed Rulemaking was published in the **Federal Register** on April 23, 1981 (46 FR 23081). Interested persons were given until May 26 to submit written comments. A summary comment analysis and the Department's response follows.

Section 106.31(b)(5)

Fifty-three comments were received regarding revocation of § 106.31(b)(5). Of those, thirty-one favored the recission, seventeen opposed it, and five expressed no clear opinion. Twenty-two of the comments favoring the amendment specifically mentioned the need to allow appearance code matters to be resolved by the local community.

Comment: Many commenters supported the Department's proposal to leave appearance codes to local determination. Some commenters stated that the proposed rule would remove an area of overregulation by the Federal government. Others stated that the Department was unnecessarily burdened by the enforcement of requirements such as the regulation on appearance codes.

Response: The Department agrees with the commenters and has revoked the appearance code regulation.

Comment: Some commenters opposed the elimination of appearance codes as an area for Federal regulation under Title IX. These commenters stated that appearance codes encourage restrictive stereotyped roles for male and female students and foster an atmosphere which is not conducive to equal educational opportunity. Some commenters expressed concern that individual liberties would be restricted as a result of the proposed regulatory amendment. Others cited the symbolic value of the appearance code regulation and stated that its elimination would indicate to school administrators that restrictions on educational opportunities based solely on a student's gender are appropriate.

Response: The Department does not take any position regarding the adoption of appearance codes by local school districts since this is a matter that should be left to local discretion. The Department does not believe that the regulatory change will lead to restrictions on individual liberty. The amendment does not indicate any lack of resolve on the part of the Department to vigorously enforce the Title IX regulation. On the contrary, one result of the regulatory amendment will be to permit the concentration of resources on areas of the Title IX regulation which are more central to the statute's prohibition of discrimination on the basis of sex in education programs which receive Federal financial assistance.

Regulatory Flexibility Act Certification

The Secretary certifies that this regulation will not have a significant economic impact on a substantial number of small entities. These regulations are administrative and do not affect any small entities.

List of Subjects in 34 CFR Part 106

Civil rights, Grant programs—Education, Sex discrimination, Vocational education, Women.

Dated: June 7, 1982.

T. H. Bell,

Secretary of Education.

Approved: July 2, 1982.

William French Smith,

Attorney General.

Part 106—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

The Secretary amends Title 34 of the Code of Federal Regulations as follows:

§ 106.31 [Amended]

In § 106.31, paragraph (b)(5) is revoked and removed, and paragraphs (b)(6)–(8) are redesignated as (b)(5)–(7).

[FR Doc. 82-20474 Filed 7-27-82; 8:45 am]

BILLING CODE 4000-01-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Veterans' Educational Assistance Program; Advance Payments

AGENCIES: Veterans Administration and Department of Defense.

ACTION: Final regulation.

SUMMARY: This regulation, adopted jointly by the Veterans Administration and the Department of Defense, permits the advance payment of educational assistance allowance to participants in the Post-Vietnam Era Veterans' Educational Assistance Program following breaks in enrollment of more than 30 days. Previously, a break had to be more than a calendar month before the Veterans Administration could make an advance payment. This resulted in some instances where an individual could not be paid for the interval between terms, and could not receive an advance payment for the next term. This regulation eliminates this inequity.

EFFECTIVE DATE: July 9, 1982.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: On page 12363 of the **Federal Register** of March 23, 1982 there was published a notice of intent to amend part 21 to permit advance payments of educational assistance allowance following breaks in enrollment of more than 30 days.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposal. The Veterans Administration and Department of Defense received no comments. Accordingly, the agencies are adopting the proposal.

The agencies have determined that this regulation is not a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. It will not result in any major increases in the costs or prices for

anyone. It will have no 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.

The Administrator of Veterans' Affairs and the Secretary of Defense hereby certify that this final regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this regulation therefore is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the regulation will affect only individual Veterans Administration benefit recipients. It will have no significant direct impact on small entities (i.e. small businesses, small private and nonprofit organizations and small governmental jurisdictions.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting requirements, Schools, Veterans, Veterans Administration, Vocational education, Vocational rehabilitation.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.120.

Approved: June 11, 1982.
Approved: July 9, 1982.

Robert P. Nimmo,

Administrator.

R. Dean Tice,

Deputy Assistant, Secretary of Defense.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

In § 21.5135, paragraph (f) is revised to read as follows:

§ 21.5135 Advance payments.

* * * * *

(f) *Time of payment.* The Veterans Administration will authorize an advance payment only for—

(1) The beginning of an ordinary school year; or

(2) The beginning of any other enrollment period which begins after a break in enrollment of 30 days or longer, provided the individual is not eligible for payment for the break. (38 U.S.C. 1641, 1780(d))

* * * * *

[FR Doc. 82-20417 Filed 7-27-82: 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL—2165-5]

Approval and Promulgation of Implementation Plans; Deletion of Ector County From Texas Air Control Board Regulation V—Volatile Organic Compound Loading and Unloading Facilities

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action approves a revision to the Texas State Implementation Plan (SIP) submitted to EPA by the Governor on July 20, 1981. This action deletes Ector County from the volatile organic compound (VOC) control requirements of Texas Air Control Board (TACB) Regulation V, Subsection 115.111 and .113 regarding VOC loading and unloading facilities in nonattainment areas. This action is based on an EPA rulemaking of June 29, 1981 (at 46 FR 33269) in which Ector County was redesignated from nonattainment to attainment with regard to the National Ambient Air Quality Standards for ozone. The effect of this action will provide for more efficient and effective air quality management.

DATE: This action is effective on September 27, 1982.

ADDRESSES: Written comments on this action may be submitted to the following address: Environmental Protection Agency, Region 6, Air & Waste Management Division, Air Branch, 1201 Elm Street, Dallas, Texas 75270, Attn: Richard Raybourne.

The State's submittal is available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270.
EPA, Public Information Reference Unit, Library, Room 2922, PM 213, 401 M Street SW., Washington, D.C. 20460
The Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20460

EPA's evaluation of the State's submittal, "EPA Review of Texas State Implementation Plan Revision for the Deletion of Ector County From Texas Air Control Board Regulation V—Volatile Organic Compound Loading and Unloading Facilities of July 20, 1981, June, 1982, is available at the Region 6 address listed above.

FOR FURTHER INFORMATION CONTACT:
Richard Raybourne, SIP Section, 6AW-AS, Environmental Protection Agency, Region 6 Office, (214) 767–1518.

SUPPLEMENTARY INFORMATION:

Background

Ector County was subject to TACB Regulation V Subsection 115.111 and .113, "Facilities For Loading and Unloading of Volatile Organic Compounds in Ozone Nonattainment Areas," to fulfill the requirements of Part D of Title I of the Clean Air Act, as amended in 1977, with regard to nonattainment areas. Affected facilities in Ector County were required to achieve compliance with this Subsection by December 31, 1982. On February 8, 1979 EPA promulgated a revised National Ambient Air Quality Standard for ozone, raising the standard from .08 parts per million (ppm) to .12 ppm. The State demonstrated that the revised standard was attained in Ector County for the years 1977, 1978, and 1979.

On February 6, 1980, the TACB submitted to EPA a request to redesignate the ozone attainment status in Ector County from nonattainment to attainment. EPA reviewed the request for redesignation, and on August 26, 1980 (at 45 FR 56848) proposed approval. Ector County was subsequently redesignated as attainment in EPA's final rulemaking of June 29, 1981 (46 FR 33269).

After reasonable notice and public hearing, the SIP revision deleting Ector County from the requirements of TACB subsection 115.111 and .113 was submitted to EPA by the Governor of Texas. The State's action to delete Ector County was prompted by the county's demonstrated attainment of the revised standard, which makes the control requirements of TACB Subsection 115.111 and .113 no longer necessary. EPA is approving the State's July 20, 1981 revision on this basis.

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

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

Under 5 U.S.C. 605(b), I hereby certify that this action will not have a

significant economic impact on a substantial number of small entities (see 46 FR 8709).

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 27, 1982. This action may not be challenged later in proceedings to enforce its requirements.

(See 307(b)(2))

Note.—Incorporation by reference of the State Implementation Plan for the State of Texas was approved by the Director of the Federal Register on July 1, 1982.

(Secs. 110 and 172 of the Clean Air Act as amended)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: July 19, 1982.

Anne M. Gorsuch,

Administrator

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding a new subparagraph (43) which reads as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(43) A revision to Regulation V deleting Ector County from the provisions of subsection 115.111 and .113 was adopted on March 20, 1981 and submitted by the Governor on July 20, 1981.

[FR Doc. 82-20420 Filed 7-27-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-6-FRL 2165-2]

Approval and Promulgation of Implementation Plan; Louisiana: Lead Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: As required by section 110(a)(1) of the Clean Air Act and the October 5, 1978, (43 FR 46246) promulgation of national ambient air quality standards (NAAQS) for lead, the State of Louisiana has submitted a State Implementation Plan (SIP) for lead. This action approves the SIP which provides for attainment and maintenance of the national ambient air quality standards for lead in all areas of the State except Baton Rouge, Louisiana. Baton Rouge will be addressed in a future rulemaking.

EFFECTIVE DATE: This action will be effective September 27, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be sent to John Hepola, Chief, State Implementation Plan Section, (6AW-AS) 1201 Elm Street, Dallas, Texas 75270. Copies of the plan, the public hearing minutes, and the technical support memo which explain EPA's actions are available for public review at the following locations:

Louisiana Department of Natural Resources, Office of Environmental Affairs, Air Quality Division, 625 North 4th Street, Baton Rouge, Louisiana 70804.

Environmental Protection Agency, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270.

EPA, Public Information Reference Unit, Library, Room 2922, PM 213, 401 M Street SW., Washington, D.C. 20460.

A copy of the State plan is also available at the following address: The Office of the Federal Register, Room 8401, 110 L Street NW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John Hepola at (214) 767-1518 or FTS 729-1518.

SUPPLEMENTARY INFORMATION: On October 5, 1978, the national ambient air quality standards for lead were promulgated by EPA (43 FR 46246). Both the primary and secondary standards were set at a level of 1.5 micrograms of lead per cubic meter of air (μg lead/m^3) averaged over a calendar quarter. As required by section 110(a)(1) of the Clean Air Act (CAA), all States must submit a SIP which will provide for attainment and maintenance of these standards. Louisiana has developed and submitted such a SIP.

The general requirements for a SIP are outlined in section 110(a)(2) of the Clean Air Act and EPA regulations 40 CFR Part 51, Subpart B. Specific requirements for developing a lead SIP are outlined in 40 CFR Part 51, Subpart E. These provisions require the submission of air quality data, emission data, air quality modeling, a control strategy, a demonstration that the NAAQS will be attained within the time frame specified by the CAA, and provisions for ensuring maintenance of the NAAQS. EPA has evaluated this plan by comparing it to the requirements for an approvable SIP, as set forth in the above mentioned regulations.

Description of the Louisiana SIP

On July 27, 1979, the Governor of Louisiana submitted to EPA, the State's SIP for attainment and maintenance of the NAAQS for lead, after holding a public hearing on July 24, 1979. Two monitors in the State have shown exceedances of the NAAQS since January 1, 1974. One monitor is at 8801 Eagle Street in New Orleans, and the other is at 3142 Evangeline Street in Baton Rouge. The New Orleans monitor exceeded the standard in the third quarter of 1976 (1.51 $\mu g/m^3$). The Baton Rouge monitor exceeded the standard in the fourth quarter of 1976 (1.86 $\mu g/m^3$), the third quarter of 1977 (1.63 $\mu g/m^3$) and the fourth quarter of 1977 (1.72 $\mu g/m^3$). The arithmetic mean values for all quarters were calculated from less than 12 samples (the number of samples presently required to demonstrate attainment). However, using this data, rollback calculations demonstrate that the automotive gasoline lead phasedown program will be sufficient to attain the standard at each site.

The plan identified two point sources, Schuylkill Metals and Ethyl Corporation both in Baton Rouge. Dispersion modeling by the State demonstrates that the NAAQS will not be exceeded around these sources. However modeling analysis conducted by EPA indicates that the estimated concentrations around Ethyl may be above the standard at some receptor points. For this reason, EPA is taking no action on the Baton Rouge area at this time. The State of Louisiana has agreed to conduct additional modeling around Ethyl and action on the Baton Rouge area will be the subject of a future rulemaking.

EPA's Action

EPA has evaluated the Louisiana lead SIP and has determined that it meets the requirements of Section 110(a) of the CAA and 40 CFR Part 51 Subparts B and E. EPA believes that the SIP is adequate to attain and maintain the lead NAAQS and is, therefore approving it as indicated. EPA finds that the SIPs that have been approved for other NAAQS contain regulations that satisfy general regulations not specifically mentioned in this lead SIP and that these general regulations can be incorporated into the lead SIP.

EPA has determined that this SIP is of limited impact because it relies

primarily on the Federal program to reduce lead in gasoline to attain the NAAQS for lead. Because of its straightforward nature, EPA does not anticipate any adverse or critical comments, and is, therefore, going directly to final rulemaking with this SIP. The public should be advised that this action will be effective 60 days from the date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Incorporation by reference of the State Implementation Plan for the State of Louisiana was approved by the Director of the Federal Register Office on July 1, 1982.

This notice of final rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, 42 U.S.C. 7410(a).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxides, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons.

Dated: July 22, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

1. Section 52.970 is amended by adding (c)(32) as follows:

§ 52.970 Identification of Plan.

* * * * *

(c) * * *

(32) The Louisiana State Implementation Plan for lead was submitted to EPA on July 27, 1979, by the Governor of Louisiana as adopted by the Louisiana Air Control Commission on July 24, 1979. Letters of clarification dated January 6, 1982, April 1, 1982 and May 4, 1982, also were submitted. No action is taken on the Baton Rouge Area.

2. Section 52.979 is amended by adding to the table the pollutant "lead" in a new column in the table as follows:

§ 52.979 Attainment dates for national standards.

POLLUTANT

Air quality control region	* * *	Lead
Monroe-El Dorado Interstate	* * *	b.
Shreveport-Texarkana-Tyler Interstate:		
a. Caddo and Bossier Parishes	* * *	b.
b. Remainder of AQCR	* * *	b.
Southern Louisiana-Southeast Texas Interstate:		
a. Ascension, Iberville, St. James, St. John the Baptist, Calcasieu, Orleans, Jefferson, St. Bernard, St. Charles, Grant, Beauregard, Lafourche, Point Coupee, Lafayette, and St. Mary Parishes.	* * *	c.
b. West Baton Rouge and East Baton Rouge Parishes.	* * *	d.
c. Remainder of AQCR	* * *	b.

* * * * *

d. Contingent upon review of additional information to be supplied by the State of Louisiana to EPA.

[FR Doc. 82-20422 Filed 7-27-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 52 and 81

[A-10-FRL 2164-6]

Approval and Promulgation of Implementation Plans: Idaho; Designation of Areas for Air Quality Planning Purposes: Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency today takes final action to approve, with certain conditions, revisions to the Idaho State Implementation Plan (SIP) submitted between January 15, 1980 and March 1, 1982. Further, EPA redesignates one area from nonattainment to attainment and two areas from nonattainment to unclassifiable. The subject SIP revisions replace the original State-adopted, EPA-approved SIP and contain provisions to satisfy requirements of Part D of the Clean Air Act (hereafter referred to as the Act). The redesignations are necessary because of air quality improvements and changes in source emissions. Approval of the revisions, cumulatively representing an entirely new recodified Idaho SIP, removes the new source construction moratorium in three areas designated nonattainment for total suspended particulates (TSP) and results in the State resuming an air pollution control program. The three redesignations remove the need for attainment plans and lift the construction moratorium previously in effect for these areas.

EFFECTIVE DATE: July 28, 1982.

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

Central Docket Section (10A-80-2), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Air Programs Branch, M/S 532, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, WA 98101

Idaho Operations Office, Environmental Protection Agency, 422 West Washington Street, Boise, Idaho 83702

A copy of the State's submittal may be examined at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael Schultz, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, M/S 532, Seattle, WA 98101, Telephone: (206) 442-1985, FTS: 399-1985.

SUPPLEMENTARY INFORMATION:

I. Background

Between January 15, 1980 and March 1, 1982, the State of Idaho submitted, on eight different dates, revisions to the SIP. These revisions cumulatively represent a new, recodified SIP for the State of Idaho. Major changes in this new SIP include the addition of Part D attainment plans and other provisions required by the Act, more restrictive process weight emission limitations for particulate matter, and the addition of a "bubble" rule.

EPA proposed to approve these revisions, with certain understandings and conditions, on May 17, 1982 (47 FR 21097). EPA also proposed at that time to: (1) Redesignate one nonattainment area to attainment and two nonattainment areas to unclassifiable; (2) rescind the SIP then in effect except regulations containing actual emission limits; and (3) withdraw the proposed rulemaking published on July 16, 1981 (46 FR 36869). A table entitled "Content of the Idaho SIP", which was contained

in the May 17, 1982 proposed rulemaking, was corrected on June 8, 1982 (47 FR 24755). Today's approval will result in reinstatement of the Idaho air program which was terminated on June 30, 1981 through State legislative action. Additional information on today's rulemaking can be found in the May 17, 1982 Federal Register.

II. Response to Comments

A 30-day public comment period was provided on the proposed rulemaking. Comments were received from two companies in Idaho.

One commenter took issues with EPA's conditional approval of the Lewiston TSP SIP, specifically questioning the requirement to study nontraditional TSP sources. The commenter argued that no further TSP emission controls are reasonable for its operations or for other industrial sources in Lewiston. Furthermore, the commenter expressed a belief that the area is "influenced by windblown dust from outside the community", and that further controls on its source would not result in attainment. The commenter concluded that redesignating the area to unclassifiable is preferable to studying and controlling nontraditional TSP sources.

EPA is not convinced that the TSP air quality problem in Lewiston is dominated by windblown dust from outside the community. Available data points to a locally generated problem. EPA maintains that further study is needed to determine the contribution of particulate matter sources to the ambient TSP problem, to evaluate the feasibility of controlling or further controlling these sources, and to indentify control strategy alternatives. This approach will likely focus on nontraditional TSP sources and may call for further controls on point sources. This area cannot be redesignated to attainment or unclassifiable so long as standards continue to be exceeded and major industrial sources are contributing to the problem.

A second commenter expressed support for EPA's actions, specifically the redesignations, conditional approvals of TSP plans and conditional approval of certain definitions.

Therefore, EPA is: (1) Approving the subject SIP revisions with the understandings and conditions specified in the May 17, 1982 proposed rulemaking; and (2) redesignating the three nonattainment areas as proposed.

III. Redesignations

Under Section 107(a) of the Act, EPA today is making the following redesignations:

Area	Pollutant	Previous designation	New designation
Pocatello	SO_2	Nonattainment	Attainment.
Silver Valley	SO_2	Nonattainment	Unclassifiable.
Silver Valley	TSP	Nonattainment	Unclassifiable.

In Pocatello, there have been no violations of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2) during the past eight calendar quarters. Therefore, this area meets EPA's criteria for a redesignation to attainment.

In the Silver Valley, a large lead and zinc smelter has indefinitely suspended operations. Since the smelter commenced its phase-down in October 1981, ambient TSP and SO_2 concentrations have dropped dramatically. This industrial source was the largest source of SO_2 and particulate matter emissions in the Valley. Emissions from all other sources of SO_2 and all other industrial sources of particulate matter are insignificant compared to the smelter's emissions. EPA has concluded that the suspension of operations at the smelter facility has had such a significant impact on air quality in the Valley that data collected prior to the suspension are no longer reliable indicators of the area's attainment status. Therefore, EPA is redesignating the area to unclassifiable for both the SO_2 and TSP standards. With the suspension of operations at the smelter, attainment for both standards appears certain. However, additional data is needed to confirm that the area is, in fact, in attainment. EPA will be closely monitoring air quality data and the plant's closure status. Information available at the end of this year will be used to redesignate the area to attainment or nonattainment as appropriate.

It is important to note that the redesignations from nonattainment to attainment or unclassifiable lift the construction moratorium now in effect for these areas and eliminate the need for attainment plans required under Part D of the Act.

Data supporting the redesignations for both Pocatello and Silver Valley are contained in the docket and are available for review at the locations listed in the "**ADDRESSES**" section.

IV. Plan Revisions

A. SIP Submittals

EPA today approves, with the understandings and conditions discussed in Subsections B and C of this Section, the following Idaho SIP submittals:

1. January 15, 1980—Revisions submitted in response to the Act's Section 110 and Part D requirements.* The major revisions included new source review procedures for nonattainment areas; revised rules and regulations; emission inventories; air quality monitoring data; source surveillance procedures; emergency episode plans; TSP attainment plans for Silver Valley, Lewiston (incomplete), and Soda Springs; and an incomplete SO_2 attainment plan for Silver Valley. Operating permits containing emission control provisions for particulate matter were also included for larger sources. For the Silver Valley nonattainment area, operating permits were submitted for a lead and zinc smelter, and four lumber mills. For the Soda Springs nonattainment area, operating permits were submitted for a phosphate fertilizer manufacturing plant, an ore crushing facility, an elemental phosphorus plant, and a vanadium pentroxide (V_2O_5) plant. On March 1, 1982 the State withdrew the variance rules (1–1007 and 1–1904) contained in the January 15, 1980 submittal. Finally, much of the previously approved Section 110 SIP was resubmitted, unchanged except for recodification.

2. March 7, 1980—TSP attainment plan for Pocatello, including operating permits for a phosphate fertilizer manufacturing plant, an elemental phosphorus plant, and a Portland cement plant.

3. August 8, 1980—Complete SO_2 attainment plan for Silver Valley, including SO_2 emission rules for lead and zinc smelters (1–1851 to 1–1868). On December 23, 1980, the State withdrew certain of these SO_2 emission rules (1–1854.02, 1–1854.04 through .06, and that portion of 1–1856 preceding 1–1856.01). On March 1, 1982, the remaining SO_2 emission rules for lead and zinc smelters were withdrawn.

4. October 27, 1980—Request for EPA to delete the indirect source review rules from the approved SIP (Regulation A, Section 2, definition FFF and III; and Regulation A, Section 4) and a State withdrawal of those indirect source review rules and procedures contained in the January 15, 1980 SIP revision submittal (Rules 1–1002.37, 1–1002.76, and 1–1004; and Appendix F).

5. December 4, 1980—Operating permits for sources in the Lewiston TSP nonattainment area as well as corresponding revisions to the attainment plan. Estimated particulate

* The January 5, 1980 submittal also contained a carbon monoxide attainment plan for Boise. EPA approved this plan as meeting the requirements for a 1979 SIP revision on October 23, 1980 (45 FR 70252). EPA is taking no action on this carbon monoxide plan today.

matter emissions contained in the State's January 15, 1980 submittal were revised to correspond to permit requirements. Permits were submitted for a Kraft pulp mill and two grain loading terminals.

6. February 5, 1981—Revisions to the TSP attainment plan for Pocatello and an operating permit inadvertently omitted from the December 4, 1980 Lewiston submittal. The revisions to the Pocatello plan focused on correcting errors in the emissions inventory, adding a reasonably available control technology (RACT) certification, and redoing the attainment demonstration based on allowable 1982 emissions rather than estimated actual 1982 emissions. The permit was for a wood products operation in Lewiston associated with the Kraft pulp mill addressed in submittal (5) above.

Each of the above mentioned TSP attainment plans, required by Part D of the Act, contains (1) an ambient air quality summary, (2) an emissions inventory, (3) a control strategy discussion and demonstration, (4) a demonstration of reasonable further progress (RFP), and (5) an attainment demonstration. Permits for sources of particulate matter addressed in each of those TSP plans restrict emissions from process and combustion equipment as well as fugitive emissions.

With respect to the four submitted TSP control strategies, EPA conditionally approves the Lewiston, Pocatello and Soda Springs attainment plans pursuant to Part D of the Act and approves the Silver Valley plan pursuant to the requirements of Section 110. Silver Valley approval is being taken under Section 110 and not Part D because EPA is also redesignating Silver Valley to unclassifiable (from nonattainment) for TSP.

As stated earlier in this subsection, the State withdrew its submittal of rules 1–1851 through 1–1868 which represented the SO_2 control strategy for the Silver Valley attainment plan. As stated in Section III, EPA redesignates Silver Valley to unclassifiable (from nonattainment) for SO_2. Therefore, EPA today approves the remaining emissions inventory and air quality data sections of this SO_2 plan under Section 110 rather than Part D of the Act.

B. Approval With Certain Understandings

EPA approves the following rules with the identified stipulations and understandings:

1. Rule 1–1006 ("Upset Conditions, Breakdown")—Application of this rule will be compatible with Clean Air Act objectives. The State has affirmed this position and has further stipulated: "The burden of proof that excess emissions are unavoidable due to start-up, shut-down, upset, or malfunction is on the industry. If such proof is not provided through the required reporting process, a violation is deemed to have occurred. Frequent repetitive exceedances are not allowed by this regulation." The State is clarifying its operating procedures to achieve the intent stated above.

2. Rule 1–1900.01 ("Alternative Emission Limits")—Individual "bubble" permits developed pursuant to the rule will be submitted to EPA as SIP revisions. EPA will approve such permits provided that they:

(a) Are consistent with Idaho rules 1–1327, 1–1328, 1–1329, 1–1330 (process weight rate emission limitations);

(b) Are consistent with approved and applicable SIP control strategies;

(c) Quantify the allowable emission for each point of emission;

(d) Are enforceable;

(e) Limit trade-offs between sources to the same criteria pollutant;

(f) Do not allow an existing source within a facility to violate an applicable NSPS under Section 111 of the Act or allow an increase in emissions of pollutants regulated under Section 112 of the Act; and

(g) Are adopted with administrative procedures applicable to SIPs.

The applicable SIP control strategies referred to in item (b) above include requirements that major facilities employ the best available control technology (BACT) or meet the lowest achievable emission rate (LAER) as applicable. EPA will approve permits provided that they maintain BACT and LAER limitations. Further, paragraph (b) of Rule 1900.01 requires that "there will be no degradation in air quality." EPA interprets this provision to mean that permits containing bubble applications must demonstrate that there will be no new, or exacerbations of existing, violations of NAAQS. As part of the agreement between the State and EPA, the State intends to seek authority to administer Part C, Prevention of Significant Deterioration (PSD) requirements. Until that is accomplished, EPA will continue to administer the PSD regulation in Idaho, including protection of PSD increments affected by Idaho bubble permits.

Finally, the State has identified the development of a generic bubble permit rule, consistent with EPA policy, as a priority activity since permits covered by such a generic rule would not have to be submitted as SIP revisions.

3. Rules 1–1003.03(b), 1–1003.04, and 1–1906.08 (permit requirements)—A permit to construct or modify and an opportunity for public comment shall be provided for each new major stationary source and major modification. An opportunity for public comment shall be provided for any other source or modification which will have a significant impact on air quality.

4. Rule 1906.01 ("LAER Requirements")—As was intended by the State, LAER shall apply where rule conditions .01(a) (source location requirements) and .01(c) (cut-off date for commencement of construction) are met or .01(b) (air quality considerations) and .01(c) are met. The State also agreed to make the corresponding correction to the rule and submit it as a SIP revision.

5. Rule 1–1906.07 ("Emission Banking")—Since an emission banking provision is identified but no program or procedures are provided, the State has agreed to submit all applications of the emission banking provisions to EPA as SIP revisions. When the State adopts, and EPA approves, banking procedures, the need to submit individual banking actions can be eliminated.

6. Rules 1–1010 and 1–1803 (source test procedures)—Any substantive revisions to the formally adopted source test procedures manual (dated 1977) will be submitted to EPA for approval.

7. Definitions:

a. Administrator (not defined)—As used in the State rules, the term means Director of the Idaho Department of Health and Welfare (IDHW).

b. Source and Facility (1.002.67 and 1.002.32)—The State defines "facility" as EPA defines "source" and vice versa. This would not be a problem except that the terms are used inconsistently in the rules. The inconsistent use of these terms will be corrected by the State.

c. Fugitive Dust (1–1002.34)—The State does not intend this definition to preclude or interfere with requiring control of fugitive particulate emissions from industrial sources. Further, it is recognized that the Act requires, in certain instances, application of RACT in controlling particulate fugitive emissions from industries.

8. Part D New Source Review (NSR) Rules:

The Idaho NSR rules were designed to satisfy the EPA requirements as they existed in 1979, specifically the Offset Interpretive Ruling (40 CFR Part 51, Appendix S, January 16, 1979) and the General Preamble for Part D SIPs (44 FR 20372, April 4, 1979). Since adoption and submittal by the State, EPA regulations for Part D NSR programs (40 CFR 51.18(j)) have been promulgated in response to court decisions (45 FR 31307, May 13, 1980; 45 FR 52676, August 7, 1980; and 47 FR 50766, October 14, 1981).

As a result, a number of State provisions differ from current EPA requirements. Some of these differences are addressed in the "Approval with Certain Understandings" and "Conditional Approval" sections of today's rulemaking.

Several other differences are discussed in a Technical Support Document (TSD) which presents EPA's rationale for approving the NSR rules. The TSD is in the docket and is available for inspection at the locations listed in the "**ADDRESSES**" section of this notice.

As explained in greater detail in the TSD, several of these differences have been addressed by specific interpretations of the State's rules. EPA's approval today is also based in part on the State's commitment to review and revise its NSR rules by (nine months from today's date) in order to satisfy the requirements of 40 CFR 51.18(j). This commitment was incorporated into the Idaho Legislature's Special Air Quality Committee Report, which is referenced in the March 1982 enactment. In addition, EPA has reviewed the State's program and recent permitting history, and has concluded that the differences are not expected to cause any adverse impact on air quality before the State completes its review and revision.

C. Conditional Approval

EPA approves the total suspended particulate (TSP) attainment plans, the NSR program for CO emitting facilities in the Boise nonattainment area and several definitions, with conditions that specific revisions or actions are completed by (9 months from today's date). These conditions are discussed below.

1. TSP Attainment Plans—The State must update statistical data in the plan for each of the TSP nonattainment areas. Information is to include, as required by Section 172 of the Act, emission inventories, updated air quality summaries, and revised RFP curves showing adequate progress toward attainment of NAAQS. Emissions inventory data shall be comprehensive and accurate and shall include both current and projected emissions.

2. Alternatives Analysis—The State must adopt and submit to EPA a regulation which requires, consistent with Section 172(b)(11)(A) of the Act, "an analysis of alternative sites, sizes, production processes, and environmental control techniques." This regulation would apply to the permitting process for construction or modification of a major CO emitting facility in the Boise nonattainment area.

3. Definitions:

a. "Emission Standard"—In order to be consistent with the definition of "emission limitation" found in Section 302(k) of the Act, the definition of the term "emission standard" must be modified to clearly require "continuous emission reduction."

b. "Major Facility" and "Major Modification"—For consistency with 40 CFR 51.18(j), the State must use the same "allowable emission" cut-off for CO as for other criteria pollutants or must define "major facility" and "major modification" in terms of "potential to emit" not to exceed 100 tons per year.

V. Effect of Rulemaking

A. SIP Content

The content of today's approved Idaho SIP is shown in 40 CFR 52.679.

B. Continuity of Regulations

In conjunction with the approval of the recodified and revised Idaho SIP, EPA rescinds the SIP currently in effect except those Rules and Regulations containing actual emission limits. These limits remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while moving toward compliance with the new Rules and Regulations (or, if it chooses, challenging any new rule or regulation). The old limits will be rescinded when affected sources achieve compliance with the new limits approved in this Notice.

C. Construction Moratorium

On July 1, 1979, a construction moratorium went into effect in all nonattainment areas in the State pursuant to Section 110(a)(2)(I) of the Act and 40 CFR 52.24. The moratorium applied to new major stationary sources and major modifications to existing sources in all designated nonattainment areas in the State. Today's approval of Part D attainment plans and NSR rules, and today's redesignation actions remove this construction moratorium for all areas in Idaho.

D. Withdrawal of Rulemaking

EPA withdraws the proposed rulemaking published on July 16, 1981 (46 FR 36869). This action dealt with those rules necessary for EPA temporarily to manage the Idaho air program.

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this section must be filed in the United States Court of Appeals for the appropriate circuit by September 27, 1982. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

(Secs. 107(d), 110(a), 171 through 173, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d), 7410(a), 7501 through 7503, and 7601(a)))

List of Subjects

40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: July 22, 1982.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the Implementation Plan for the State of Idaho was approved by the Director of the Office of Federal Register in July 1982.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart N—Idaho

1. In § 52.670, paragraphs (c) (19) through (21) are added as follows:

§ 52.670 Identification of plan.

* * * * *

(c) * * *

(19) Revisions to the "Implementation Plan for the Control of Air Pollution in the State of Idaho" submitted by the Governor of Idaho on January 15, 1980: Chapter I "Introduction;" Chapter II "General Administration;" Chapter III "Emissions Inventory;" Chapter IV "Air Quality Monitoring;" Chapter V "Source Surveillance;" Chapter VI "Emergency Episode Plan;" Chapter VII "Approval Procedures for New and Modified Sources;" Chapter VIII "Non-Attainment Area Plans;" Chapter VIII–a "Silver Valley Non-Attainment Plan;" Chapter VIII–e "Soda Springs Non-Attainment Plan;" Appendix A.2 Legal Authority (Section 39–100, *Idaho Code);* Appendix A.3, Title I, Chapter I, Rules and Regulations for the Control of Air Pollution in Idaho, except indirect source review provisions (1–1002.37, 1–1002.76 and 1–1004), variance provisions

(1–1007 and 1–1904) and "Sulfur Dioxide Emission Limitations for Combined Zinc and Lead Smelters" (1–1851 through 1–1868); Appendix B "Emission Inventory, Ada County Carbon Monoxide Non-Attainment Area;" Appendix G "Permits—Silver Valley" (six permits); and Appendix K "Permits—Soda Springs" (four permits).

(20) Chapter VIII–b "Lewiston Non-Attainment Plan" submitted by the Governor of Idaho on January 15, 1980. On December 4, 1980, the Governor submitted revised pages 31–39, an operating permit for a kraft pulp and paper mill (Appendix H.1), operating permits for two grain loading terminals (Appendices H.3 and H.4), and an operating permit for an asphalt plant (Appendix H.5). On February 5, 1981 the Governor further revised the nonattainment area plan by submitting a permit for a wood products operation (Appendix H.2).

(21) Chapter VIII–d "Pocatello TSP Non-Attainment Plan" submitted by the Governor of Idaho on March 7, 1980. This submittal included operating permits for an elemental phosphorus plant (Appendix J.1), a phosphate fertilizer manufacturing plant (Appendix J.2), and a Portland cement plant (Appendix J.3). On February 5, 1981, the Governor submitted a revised Chapter VIII–d.

2. The table in § 52.671 is revised to read as follows:

§ 52.671 Classification of regions.

Air quality control region	Pollutants				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Eastern Idaho Intrastate	I	II	III	III	III.
Eastern Washington Northern Idaho Interstate (Idaho)	I	II	III	III	III.
Idaho Intrastate	I	III	III	III	III.
Metropolitan Boise Intrastate	II	III	III	I	III.

3. Paragraph (a) in § 52.675 is relabeled as paragraph (a)(1) and paragraph (a)(2) is added as set forth below:

§ 52.675 Control strategy: Sulfur oxides—Eastern Idaho intrastate air quality control region.

* * * * *

(a) * * *

(2) Rules 1–1801 through 1–1804 (Rules for Control of Sulfur Oxide Emissions from Sulfuric Acid Plants) of the "Rules and Regulations for the Control of Air Pollution in Idaho" are inadequate to ensure attainment and maintenance of Sulfur Dioxide National Ambient Air Quality Standards in the Eastern Idaho Intrastate Air Quality Control Region. Special limits have previously been established for certain existing acid plants in this Air Quality Control Region (§§ 52.670(c)(15) and 52.675(b)). Therefore, Rules 1–1801 through 1–1804 are approved except as they apply to existing acid plants with approved or promulgated emission limits that are more stringent than the limit found in 1–1802.

4. Section 52.679 is added as follows:

§ 52.679 Contents of Idaho State implementation plan.

Implementation Plan for the Control of Air Pollution in the State of Idaho

Chapter I—Introduction
Chapter II—Administration
Chapter III—Emissions Inventory
Chapter IV—Air Quality Monitoring
Chapter V—Source Surveillance
Chapter VI—Emergency Episode Plan
Chapter VII—Approval Procedures for New & Modified Sources
Chapter VIII—Non-Attainment Area Plans
Appendix A—Legal Authority and Other General Administrative Matters
Appendix A.2—Section 39–100, *Idaho Code*
Appendix A.3—Rules and Regulations for the Control of Air Pollution in Idaho
1–1000, 1–1001—Introduction
1002—Definitions
1002.01—Act
1002.02—Air Contaminant
1002.03—Air Pollution
1002.04—Air Pollution Source Permit
1002.05—Air Quality
1002.06—Air Quality Criterion
1002.07—Allowable Emission
1002.08—Ambient Air
1002.09—Ambient Air Quality Violation
1002.10—Area Source
1002.11—ASTM
1002.12—Background Level
1002.13—Baseline Concentration
1002.14—BACT
1002.15—Board
1002.16—BTU
1002.17—Certificate of Registration
1002.18—Collection Efficiency
1002.19—Commence Construction or Modification
1002.20—Commission
1002.21—Construction
1002.22—Control Equipment
1002.23—Controlled Emission
1002.24—Criteria Pollutant
1002.25—Department
1002.26—Director
1002.27—Emission
1002.28—Emission Standard
1002.29—Emission Standard Violation
1002.30—Equivalent Air-Dried Kraft Pulp
1002.31—Existing Source
1002.32—Facility
1002.33—Fuel-Burning Equipment
1002.34—Fugitive Dust
1002.35—Hot Mix Asphalt Plant
1002.36—Incineration
1002.38—Industrial Process
1002.39—Kraft Pulping
1002.40—LAER
1002.41—Major Facility
1002.42—Major Modification
1002.43—Malfunction
1002.44—Modification
1002.45—Monitoring
1002.46—Multiple Chamber Incinerator
1002.47—New Source
1002.48—Nonattainment Area
1002.49—Non-Condensibles
1002.50—Odor
1002.51—Opacity
1002.52—Open Burning
1002.53—Particulate Matter
1002.54—Person
1002.55—Pilot Plant
1002.56—Portable Hot-Mix Asphalt Plant
1002.57—ppm
1002.58—Primary Ambient Air Quality Standard
1002.59—Process or Process Equipment
1002.60—Process Weight
1002.61—Process Weight Rate
1002.62—Salvage Operations
1002.63—Secondary Ambient Air Quality Standard
1002.64—Settleable Particulate
1002.65—Show Cause Order
1002.66—Smoke
1002.67—Source
1002.68—Source Operation
1002.69—Stack
1002.70—Standard Conditions
1002.71—Stationary Source
1002.72—Time Interval
1002.73—TRS
1002.74—Ringlemann Smoke Chart
1002.75—Uncontrolled Emission
1002.77—Wigwam Burner
1–1003—Registration & Permit Procedures for Stationary Sources
1–1005—Reporting
1–1006—Scheduled Maintenance
1–1008—Circumvention
1–1009—Total Compliance
1–1010—Sampling & Analytical Procedures
1–1011—Provisions Governing Specific Activities
1–1051 through 1–1055—Air Pollution Episodes
1–1101 through 1–1112—Ambient Air Quality Standards
1–1151 through 1–1153—Open Burning
1–1201 and 1–1203—Visible Emissions
1–1251 and 1–1252—Fugitive Dust Control
1–1301—Particulate Emission from Fuel Burning Equipment
1–1327 through 1–1330—Particulate Matter from Processing Equipment
1–1351 through 1–1355—Sulfur Content of Fuels
1–1401 & 1–1402—Fluoride Emission Limitations
1–1451 & 1–1452—Odors
1–1501 through 1–1504—Particulate Matter from Incinerators
1–1551 through 1–1553—Motor Vehicle Emissions

1-1601 through 1-1605—Hot Mix Asphalt Plants
1-1651 through 1-1662—Kraft Pulp Mills
1-1751 through 1-1755—Rendering Plants
1-1801 through 1-1804—Rules for Control of Sulfur Oxide Emissions from Sulfuric Acid Plants
1-1900 through 1-1903, 1-1905 and 1-1906—New Source and Operating Permits
1-1951 through 1-1968—New Source Performance Standards
Appendix B—Emissions Inventory Ada County Carbon Monoxide Nonattainment Area
Appendices G—Permits—Silver Valley
Appendix H—Permits—Lewiston
Appendix J—Permits—Pocatello
Appendix K—Permits—Soda Springs
Beker Industries, 1973 Consent Order (40 CFR 52.670(c)(15))—SO_2 Emission Limitation
40 CFR, Part 52, Subparts A and N

5. The table in § 52.680 is revised to read as follows:

§ 52.680 Attainment dates for national standards.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Eastern Idaho Intrastate	b	d	d	d	a	a	a.
Eastern Washington-Northern Idaho Interstate (Idaho)	b	d	d	d	a	a	a.
Idaho Intrastate	d	d	a	a	a	a	a.
Metropolitan Boise Intrastate	d	d	a	a	a	c	a.

a. Air quality levels presently below secondary standards.
b. December 31, 1982.
c. December 31, 1987.
d. Date not established.

§ 52.685 [Reserved]

6. Section 52.685 is amended by removing paragraphs (a) and (b) and noting the section as [Reserved].

7. Section 52.687 is added to read as follows:

§ 52.687 Control Strategy: Total Suspended Particulate.

(a) *Part D Conditional Approval.* The State of Idaho must update statistical data in the plan for the Lewiston, Pocatello, and Soda Springs total suspended particulate nonattainment areas by (9 months from publication date). Information is to include, as required by Section 172 of the Clean Air Act, emission inventories, updated air quality summaries, and revised reasonable further progress curves showing adequate progress toward attainment of the National Ambient Air Quality Standards. Emissions inventory data shall be comprehensive and accurate and shall include both current and projected emissions.

8. Section 52.688 is added to read as follows:

§ 52.688 Rules and regulations.

(a) *Part D Conditional Approval.* Alternatives Analysis—The State of Idaho must adopt and submit to EPA by (9 months from publication date) a regulation which requires, consistent with Section 172(b)(11)(A) of the Clean Air Act, "an analysis of alternative sites, sizes, production processes, and environmental control techniques." This regulation would apply to the permitting process for construction or modification of a major carbon monoxide emitting facility in the Boise nonattainment area.

(b) *Pard D Conditional Approval.* Definitions.

(1) "Emission Standards"—in order to be consistent with the definition of "emission limitation" found in Section 302(k) of the Clean Air Act, the term "emission standard" must be modified to clearly require "continuous emission reduction."

(2) "Major Facility" and "Major Modification"—for consistency with 40 CFR 51.18(j), the State of Idaho must use the same "allowable emission" cut-off for carbon monoxide as for other criteria pollutants or must define major facility and major modification in terms of "potential to emit" not to exceed 100 tons per year.

These revisions must be adopted and submitted to EPA by April 28, 1983.

PART 81—DESIGNATION OF AREA FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart C—Idaho

In § 81.313, the tables for total suspended particulates and sulfur dioxide are revised to read as follows:

§ 81.313 Idaho.

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Idaho—TSP				
Silver Valley (Shoshone County)			X	
Pocatello	X			
Soda Springs	X			
Lewiston	X			
Remainder of State				X
Idaho—SO_2				
Silver Valley (Shoshone County)			X	
Pocatello				X
Remainder of State				X

[FR Doc. 82-20423 Filed 7-27-82; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP 6F1832/R467; PH-FRL 2176-7]

Tolerances and Exemptions From Tolerances for Pesticides Chemicals in or on Raw Agricultrual Commodities; Diflubenzuron

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide diflubenzuron in or on the raw agricultural commodity soybeans. This regulation to establish the maximum permissible level for diflubenzuron was requested by TH Agriculture and Nutrition Co.

EFFECTIVE DATE: July 28, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 211, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202; (703–557–2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of August 16, 1976 (41 FR 35738) that Thompson Hayward Chemical Co. (name subsequently changed to TH Agriculture and Nutrition Co.), P.O. Box 2383, Kansas City, KS 66110, had filed a pesticide petition (PP 6F1832) with EPA proposing that 40 CFR 180.377 be amended by the establishment of a tolerance for the residue of the insecticide diflubenzuron (*N*-[[(4-chlorophenyl)amino]carbonyl]-2,6-defluorobenzamide) in or on the raw agricultural commodity soybeans at 0.05 part per million (ppm). No comments were received in response to the notice of filing.

The data submitted and other relevant material have been evaluated. The toxicity data considered in support of the tolerance included acute oral mouse studies with the median lethal dose (LD_{50}) greater than 4,640 milligrams/kilograms (mg/kg), which was the highest dose tested (HDT), and acute oral rat studies with the LD_{50} greater than 4,640 mg/kg (HDT). Dog feeding studies conducted for 13 weeks gave a systemic no-observed-effect level (NOEL) of 160 ppm in the feed (HDT). A 13-week mouse feeding study resulted in a NOEL of 1.1 mg/kg for sulfhemoglobin and 0.4 mg/kg for methemoglobin.

Three-generation rat reproduction studies resulted in a reproduction NOEL of 160 ppm (HDT). Mouse reproduction studies resulted in NOEL greater than 50 ppm (HDT). A mutagenicity test (Ames) with TA–98, TA–100, and TA–1537 strains of *Salmonella* up to 1,000 micrograms (ug) per plate did not result in mutagenicity.

There was no mutagenic effect in a cytogenic-mouse study up to 1,500 mg/kg, and there was no evidence of mutagenicity in *in vitro* mouse-lymphoma cell studies.

In the rat and rabbit teratology studies, the maternal toxicity, fetal toxicity, and terata NOEL were greater than 4,000 mg/kg (HDT).

The NOEL for plasma testosterone levels in male rats in a 14-day study was 15 mg/kg/day. Higher doses produced transient decreases in plasma testosterone.

Lifetime rat and mouse feeding studies, to determine oncogenicity, are in progress. The most sensitive toxicological problem was the effect of diflubenzuron on the blood chemistry of test animals.

The NOEL of 1.1 mg/kg/day was based on the methemoglobinemia and sulfhemoglobinemia studies. A safety factor of 100 was applied to the NOEL resulting in an allowable daily intake (ADI) of 0.011 mg/kg/day. The maximum permissible intake (MPI) for a 60 kg person would be 0.66 mg/day.

A related document (FAP 9H5206/R116), establishing a regulation permitting residues of this chemical in soybean hulls and soybean soap stock appears elsewhere in this issue of the **Federal Register.**

Granting the tolerance on soybeans will increase the theoretical maximum residue contribution (TMRC) for diflubenzuron from 0.0344 mg/day/person to 0.03509 mg/day/person. The percentage of the MPI used will increase from 5.21 percent to 5.31 percent.

The established tolerances for residues in eggs, milk, meat, and poultry are adequate to cover secondary residues resulting from the proposed uses as delineated in 40 CFR 180.6(a)(2).

The metabolism of diflubenzuron is adequately understood and an adequate analytical method, gas chromatography with electron capture detector, is available for enforcement purposes.

The insecticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance of 0.05 ppm in or on soybeans established by amending 40 CFR 180.377 does not pose a significant hazard and will protect the public health. It is concluded, therefore, that the tolerance be established as set forth below.

Any person adversely affected by this regulation may, by August 27, 1982, file written objections with the Hearing Clerk at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances, or raising tolerance levels, or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Raw agricultural commodities, Pesticides and pests.

Dated: July 12, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDES CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.377 is amended by adding and alphabetically inserting the commodity soybeans to read as follows:

§ 180.377 Diflubenzuron; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Soybeans	0.05

[FR Doc. 82–20161 Filed 7–27–82; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

41 CFR Part 4–1

Amendment of Department of Agriculture Procurement Regulations Relating to Small Business and Labor Surplus Area Concerns; Correction

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error contained in procurement regulations relating to small business and labor surplus area concerns (41 CFR 4–1.704–1) appearing at page 16336 of the **Federal Register** of April 16, 1982 (47 FR 16336). It also adds a citation of authority inadvertently omitted.

FOR FURTHER INFORMATION CONTACT:
Paul J. McCloskey (202/447–7117).

SUPPLEMENTARY INFORMATION: In FR Doc. 82–10430 appearing in the **Federal Register** of April 16, 1982, Title 41 of the Code of Federal Regulations was amended by adding a new § 4–1.704–1. Paragraph (g) of that section required heads of procuring agencies to take action to ensure preference to small business firms on multiple award Federal Supply Schedules. That paragraph was erroneously added to the section. Accordingly, paragraph (g) of § 4–1.704–1 appearing on page 16336 is removed and paragraphs (h) and (i) of that section are redesignated as (g) and (h) respectively.

In addition, the following citation of authority was inadvertently omitted from FR Doc. 82–10430:

(5 U.S.C. 301, 40 U.S.C. 486(c))

Done this 21st day of July 1982.

Frank Gearde, Jr.,

Director, Office of Operations.

[FR Doc. 82–20284 Filed 7–27–82; 8:45 am]

BILLING CODE 3410–98–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 79–318; FCC 82–308]

Use of Certain MHz Bands for, and Amendment of the Commission's Rules Relative to Cellular Communications Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC hereby amends Part 22 of the Commission's Rules on domestic public mobile radio service governing the use of the bands 825–845 MHz and 870–890 MHz for cellular communications systems. The Order amends Rules previously adopted for cellular communications in order to assure that the public will receive the best possible cellular service as quickly as possible. The Rules, as amended, will serve the public interest by providing for superior cellular service.

EFFECTIVE DATE: August 27, 1982.

FOR FURTHER INFORMATION CONTACT:
Thomas Gutierrez, Mobile Services Division, Common Carrier Bureau (202) 632–6450.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 22

Cellular Radio Service.

Memorandum Opinion and Order on Further Reconsideration

Adopted: July 6, 1982.

Released: July 8, 1982.

In the matter of An Inquiry Into the Use of the Bands 825–845 MHz and 870–890 MHz for Cellular Communications Systems; and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems, CC Docket No. 79–318.

I. Preliminary Statement

1. On April 9, 1981, the Commission adopted a *Report and Order (Order)* in this proceeding establishing a regulatory framework for the licensing and operation of commercial cellular systems. 86 FCC 2d 469 (1981). On February 25, 1982, we adopted a *Memorandum Opinion and Order on Reconsideration (Reconsideration Order)* affirming our earlier decision in most major respects. 89 FCC 2d 58 (1982). However, we eliminated the separate subsidiary requirement for wireline carriers, except for the American Telephone and Telegraph Company (AT&T), and revised the dates and procedures for filing of applications and the evaluation of competing applications. In response to our *Reconsideration Order*, we received five petitions for further reconsideration or declaratory ruling.[1] The petitions focus on four areas: (a) The schedule for acceptance of applications; (b) the area for which applicants can apply; (c) interconnection; and (d) the pleading cycle for comparative hearings.

2. For the reasons presented below, we deny the petitions, except to the extent that we revise the date for acceptance of additional applications and modify the provisions regarding SMSA-based service areas in the New England area. We also take this opportunity to clarify the Commission's position regarding interconnection.

[1] Four of these petitions are labeled "Petition for Partial Reconsideration". The fifth is labeled "Petition for Re-Affirmation and Declaratory Ruling". We also received thirteen responsive pleadings and four reply pleadings. Appendix A lists the parties filing these further reconsideration pleadings.

II. Discussion

A. The Schedule for Acceptance of Applications

3. In our *Reconsideration Order*, we provided that all applications, both wireline and non-wireline, for the 30 largest modified SMSAs be filed on a date certain 90 days after publication of the decision in the **Federal Register**. We further provided that we would begin accepting applications for all other markets 90 days later, with the normal Public Mobile Radio Services notice and cut-off procedures being applied to these filings.[2] Autophone of San Antonio (Autophone) and Answer, Inc., Answer, Inc. of Houston, Answer, Inc. of San Antonio, and Answer, Inc. of Galveston (the Answer Companies) request that we extend our existing procedures for acceptance of applications in the top 30 markets to markets beyond the top 30. Specifically, the Answer Companies request that the Commission's September 7, 1982 starting date for receipt of applications in markets outside of the top 30 be converted to a "date certain" one-day filing period. Under this plan, applications would be accepted after this date only in those markets where one, or both, frequency blocks are not applied for on September 7, 1982. This, they argue, will resolve potential problems involving "one-upmanship" in these markets in the same manner as in the top 30. As an alternative to their proposal, the Answer Companies suggest that the Commission adopt a "blind-filing" procedure whereby applications accepted for filing would not be available for public inspection until the sixty-day cut-off period for filing competing applications has run, although public notice of the filings would be given.

4. Autophone requests a variation of the Answer Companies' proposal for a one-day filing period. Autophone asks that September 7, 1982, be a "date certain" one-day filing period for markets 31–60, in order to protect against one-upmanship and "misappropriation" of materials presented in applications which, under our current rules, would be available immediately for public inspection. [3]

[2] Our *Reconsideration Order* was published in the **Federal Register** on March 9, 1982. Thus, applications for the top 30 modified SMSAs were accepted for filing on June 7, 1982. Applications for all other markets were to be received beginning September 7, 1982.

[3] Autophone describes "misappropriation" of information as the copying of portions of applications in order to avoid the cost of preparing one from the start, as opposed to studying proposals with the intent of subsequently filing a superior proposal.

Under the Autophone proposal, a 30-markets per filing date procedure would be repeated, at ninety-day intervals, until the most recent group of filings included few mutually exclusive applications and further protection against one-upmanship and "misappropriation" would no longer be necessary. At that time, there would be one final date for the *start* of acceptance of applications for all other markets, with our normal 60 day cut-off period being applicable.

5. We find that Autophone and the Answer Companies have raised valid questions which are especially germane in the cellular service where the cost of preparing an application and the incentives to gain a comparative edge are great. In our *Reconsideration Order*, we made clear our desire to avoid unnecessary processing delays and one-upmanship in the top 30 markets.[4] We then set a date certain for filing in these markets to avoid one-upmanship. We also took some steps to reduce opportunities for applicants to rely on others' efforts in markets other than the top 30, although we did not provide the same degree of protection as afforded for top 30 markets.[5] The Commission's decision not to extend the same degree of protection to non-top 30 markets was premised on its belief that such protection would not be needed because we expected relatively few mutually exclusive filings in those markets. 89 FCC 2d at 91, n. 52. However, more recent information indicates that we may well receive mutually exclusive filings in a considerable number of markets outside of the top 30. *See e.g.*, the petitions of Autophone and the Answer Companies.

6. Thus, we have determined that our application procedures for non-top 30 markets should be modified. As we noted in the *Reconsideration Order* at para. 65, one-upmanship creates a risk that applicants would not participate in the development of proposals, and that the proposals would not represent the applicants' thoughts on how best to serve an area. This is of particular concern in this proceeding because cellular is a new technology, and it is important that applicants have the ability to implement the service proposed. Accordingly, we will revise our procedures for acceptance of applications so that all applications for a given market fall due on a date certain.

7. Although we agree that all applications for a particular market should fall due on a date certain, we reject the proposal of the Answer Companies that all applications for all markets should be due on September 7, 1982. First, it is not reasonable to force prospective applicants for smaller markets not capable of supporting cellular either to file in September or risk being cut-off forever. Second, there is no point to having applicants rush to prepare applications only to have them receive no attention at the Commission for many months. Staggered receipt of applications would alleviate the valid concerns raised by Autophone and the Answer Companies. Furthermore, such a schedule now appears necessary to facilitate orderly processing of applications by our Mobile Services Division. In this regard, 194 cellular applications were filed with the Mobile Services Division on June 7, 1982, and the Division's workload involving these applications will not be completed by September. No useful purpose would be served by having the public rush to file applications, only to rest on shelves until the staff is free to reach them for processing. In fact, such a procedure could well complicate and delay processing.

8. With these practical considerations in mind, we have decided to postpone the date for acceptance of any additional cellular applications from September 7, 1982, to November 8, 1982, and then to begin accepting applications on a staggered basis. Under this plan, which is set forth in its entirety in Appendix B, applications for markets 31–60 will be accepted on November 8, 1982; applications for markets 61–90 will be accepted on January 7, 1983; and applications for all other areas will be accepted starting March 8, 1983, with normal Public Mobile Radio Services notice and cut-off procedures being applicable.[6] This will alleviate the opportunity for one-upmanship in those markets in which there are likely to be mutually exclusive filings. Furthermore, this revised schedule for acceptance of applications will cause little delay in the provision of service to the public because once applications are filed they will receive attention quickly. In addition, those applications received on November 8th will be acted on as quickly as if they were filed on September 7th, because November 8th is a one-day filing period, with no 60 day period in which to file competing applications.

B. The Pleading Cycle

9. The hearing procedures included in our *Reconsideration Order* provide that non-wireline applicants in any of the top 30 markets must present their direct hearing case with their applications at the time of filing. It further provides that rebuttal cases must be submitted within thirty days of publication in the **Federal Register** of an Order designating such cases for comparative hearing and that no further written pleadings will be accepted as a matter of course. The law firm of Blooston and Mordkofsky (Blooston) argues that the pleading cycle for the top 30 markets should be revised to provide for submission of rebuttal cases within 90 days of publication rather than 30 days. ICS Communications (ICS) argues that we should modify our existing written case procedure to provide for a three-stage pleading cycle, with a direct case, an opposition and a rebuttal pleading.

10. Blooston argues that a 60 day extension is necessary in order for parties to submit pleadings that would assist the Commission in making its public interest determinations. Blooston petition, at 4. This, Blooston argues, is because preparation of rebuttal cases will require extensive use of experts, including engineers, demographers and marketing experts, and such experts will be in short supply. In addition, Blooston argues, each party to a hearing will likely have to prepare rebuttal cases against several opponents.

11. Blooston's concern does not warrant a revision of our rules. In arguing that 30 days is inadequate to prepare rebuttal cases, Blooston ignores the fact that the 30 day period starts with publication of the designation order

[4] In particular, in the *Reconsideration Order*, 89 FCC 2d at 89, we stated:

* * * Setting up a plan which would allow applicants to revise their filings after reviewing the applications of others would encourage applicants to engage in "one-upmanship," which has harmful consequences. This would undermine our ability to compare proposals with some measure of confidence that the applicant had participated in its development * * *. Furthermore, allowing opportunity for one-upmanship would needlessly encumber an administrative process which we must streamline to its essentials if the American public is to receive cellular service without unnecessary delay.

[5] In this regard, we provided that any mutually exclusive applicant applying for a non-SMSA market may enlarge its proposed service area to approximate that proposed by any other applicant without having such a modification treated as a major amendment. 89 FCC 2d at 93, n. 61. We did not make this provision applicable to SMSA markets outside the top 30, because the SMSA boundary provides an outer limit for comparison of service area size. We also did not provide any protection against one-upmanship efforts focusing on matters other than service area size in non-top 30 markets.

[6] As we provided in our *Reconsideration Order*, applicants for markets below the top 30 need not submit their affirmative direct cases with their applications. However, all competing applicants must file their affirmative direct case within 30 days of the date of the Public Notice announcing mutually exclusive filings.

in the **Federal Register.** Parties will have considerable additional time to prepare rebuttals prior to publication, especially since direct cases must accompany an application. This extra time, which includes the complete pleading cycle for petitions to deny, the time necessary for the staff to prepare a designation order and the extra time associated with actual publication can be expected to amount to several months. As a result, our rules currently provide adequate time to prepare rebuttal cases.

12. ICS argues that a three-step pleading procedure will speed up the hearing process, rather than delay it, by obviating the need for oral testimony that would otherwise exist. In support, ICS states that the rebuttal case included in the cellular hearing rules differs considerably from the rebuttal phase of a traditional hearing in that it provides opponents with an opportunity to create disputes rather than providing a proponent with an opportunity to resolve points already brought into dispute. ICS also notes that the three-step process is one normally used in administrative and court proceedings.

13. We believe that the ICS proposal would delay, rather then expedite, the comparative evaluation of competing applications. This is because it would lengthen the pleading cycle in every case without providing any demonstrable benefit. Under existing procedures, if in a particular hearing there is a need to obtain additional information from any of the parties, the Administrative Law Judge already has the discretion to require it, either in written or oral form. We consciously designed our rules to encourage the judge to focus on the few important decisional factors and to limit the parties' incentives to delay or to raise immaterial arguments. ICS' proposal is not consistent with our objectives for processing cellular applications.

C. Interconnection

14. In our *Order*, we stated that we expect all telephone companies to furnish appropriate interconnection "upon terms no less favorable than those offered to cellular systems of affiliated entities or independent telephone companies", but that "the particular arrangements involved in interconnection of a given cellular system should be negotiated among the carriers involved and be made subject to an intercarrier agreement," *Order* at 496. We also noted that to the extent that a cellular system will perform the functions of a class five office, it should be eligible to occupy such a position, and should not be arbitrarily placed below that level. *Id.* In our *Reconsideration Order*, we enunciated more specific provisions regarding interconnection. *Reconsideration Order* at 80–82. First, we noted that all wireline carriers, regardless of whether they seek to provide cellular service, have an obligation to provide reasonable interconnection to cellular systems. In addition, we provided that every non-wireline cellular licensee has the right to interconnect with the landline network in the identical manner as a wireline cellular licensee, and, to effectuate this provision, we required wireline cellular applicants to set forth in their applications exactly how their proposed cellular systems would interconnect with the landline network. That interconnection must be provided to the non-wireline carriers on request even if the wireline applicant is not ultimately licensed for the competing cellular system. *Reconsideration Order* at 82. Finally, we stated that where a non-wireline carrier seeks interconnection arrangements different from those specified in the application of a wireline carrier, the non-wireline applicant may negotiate other interconnection arrangements with the wireline carrier.

15. In his Petition for Re-Affirmation and Declaratory Ruling, Jubon states that he agrees with the *Reconsideration Order*, "as far as [it] goes", but that he is concerned about the "absence of a recapitulation" of the position taken in the *Order* that to the extent a cellular system will perform the function of a class five office, it should be eligible to occupy that position and should not be arbitrarily placed below that level. According to Jubon, absence of a statement regarding this entitlement in the *Reconsideration Order* raises a question regarding a cellular carrier's ability to obtain technically and economically satisfactory interconnection.

16. The interconnection provisions contained in our two previous decisions have two goals: to insure that wireline carriers provide reasonable interconnection to non-wireline cellular systems, *Reconsideration Order* at 81 and *Order* at 496, and to mitigate any potential anticompetitive effects stemming from the separate frequency allocation policy. *Reconsideration Order* at 72, *Order* at 491–92. In seeking to attain these goals, we rejected Jubon's request that we require interconnection of cellular systems "as class 5 offices", in favor of a general entitlement to reasonable interconnection. *Order* at 496. We required wireline carriers to disclose their interconnection plans so as to insure that every non-wireline licensee has the right to interconnect in the same way. Thus, if the wireline carrier proposes to interconnect as a class five office, the non-wireline operator must be offered the same treatment. If the wireline carrier proposes some other form of interconnection, the non-wireline is entitled to the same treatment, but it is free to negotiate a different arrangement with the local landline telephone company. In any event, the wireline carrier remains under the duty to provide interconnection to a non-wireline carrier that is reasonable and technically suitable for the non-wireline's system. We have not adopted a firm policy at this time as to what form of interconnection may be reasonable in any given case. As we recognized in our previous decisions, that will depend upon the particular details of the system.[7]

D. Cellular Service Areas

17. In our *Reconsideration Order* we ordered that proposed Cellular Geographic Service Areas (CGSAs) be based on Standard Metropolitan Statistical Areas (SMSAs) and that wireline carriers be eligible to provide cellular service in any SMSA in which they are certified to provide landline service. *Reconsideration Order* at 75–77, 86.

18. Telephone and Data Systems, Inc. (TDS) has requested that we revise our service area eligibility rules for wireline carriers. In particular, TDS requests that we either (a) modify the Milwaukee SMSA so that it includes the adjacent SMSAs of Racine and Kenosha, or (b) revise our eligibility criteria so that any wireline carrier or affiliate providing paging service in an SMSA would be eligible to provide cellular service in that area, and, in any event, (c) make clear that any application proposing service in one SMSA and a portion of another SMSA will be subject to comparative consideration with any later filed application for the secondary market.[8] In support of its request, TDS

[7] Our staff is convening public meetings to discuss broad interconnection issues. We hope that most general issues can be resolved in this forum, and we encourage the parties to pursue reasonable courses of action consistent with our decision on interconnection.

[8] TDS, who presented these proposals, provides landline service in the Racine and Kenosha SMSAs, but not in the Milwaukee SMSA. In addition, TDS provides paging, but not landline service in Milwaukee. TDS did not apply for the Milwaukee SMSA on June 7, 1982, as required by our *Reconsideration Order*. However, on June 22, 1982, TDS submitted a request to defer acceptance of wireline cellular radio applications for Milwaukee until we act on TDS's petition for reconsideration. For the reasons discussed below, including our action on the TDS petition for reconsideration, we deny the TDS request to defer acceptance.

argues that Milwaukee, Racine and Kenosha are contiguous SMSAs lying within 30 miles of each other along the same urban corridor and that they should be combined in a single modified SMSA. TDS cites other instances when the Commission has combined adjacent SMSAs and formed a larger modified SMSA that more closely covers natural markets. TDS also argues there is no reason to treat wireline carriers providing paging services in a particular SMSA differently from wireline carriers providing landline service in the SMSA.

19. TDS' petition does not warrant revising our wireline eligibility standards. There are many markets with contiguous SMSAs, like Milwaukee. However, in most instances, we have not consolidated them into one modified SMSA.[9] TDS has provided us with no special reason why we should do so here. Furthermore, TDS' request that we extend wireline eligibility to those areas where a wireline carrier provides paging, but not landline service, is untimely, as well as unsupported. As we noted in both of our previous decisions, an important reason for the separate allocation for landline telephone carriers is to speed service to the public.[10] *Order* at 489–90, *Reconsideration Order* at 70. That a carrier offers paging service is irrelevant to the underlying rationale for the separate allocation. Extending eligibility to carriers now providing only paging was never contemplated by us or raised by any party at the proper stage of the proceeding. It is far too late to consider the merits of TDS' apparently unique posture in the wireline industry.

20. The TDS argument that comparative hearings are necessary where proposed service areas in adjacent SMSAs overlap slightly in order to avoid precluding one or more applicants from serving the overlap area is also unpersuasive. Our *Reconsideration Order* provides that where an applicant proposes to extend service beyond an SMSA boundary, such extensions must be *de minimis*. Thus, regardless of whether applications filed for adjacent SMSAs are filed on the same or different dates, the permissible overlap of the proposed service areas will not be large. Through proper frequency coordination, both parties can serve an overlapping area.[11] In this regard, it bears noting that frequency coordination will be necessary whenever cellular systems abut even when there is no system overlap. The additional coordination required where there is *de minimis* overlap is minimal. As a result, there is no need for comparative hearings in this type of situation.[12]

21. There is one minor change we have decided to make in SMSA-based service areas. We have reviewed the SMSA-based service area provisions included in the *Reconsideration Order* and have determined that in New England the service areas will be based on New England County Metropolitan Areas (NECMAs) rather than SMSAs. This modification brings the service area provisions for New England, which currently is the only area of the country where SMSA boundaries are not county borders, more into line with the filing provisions for the rest of the country.[13] It also provides for larger, more practical cellular geographic service areas in New England because NECMAs cover larger geographical areas than the New England SMSAs and more closely parallel natural markets for mobile services. We find that the public interest can be better served by revising our filing procedures in this manner. Accordingly, service areas in New England shall be based on NECMAs rather than SMSAs, and *de minimis* extensions beyond NECMA borders will be permitted so long as the extensions do not include area in another NECMA or in a central SMSA bordering New England.

III. Ordering Clauses

22. It is ordered, That cellular applications for markets below the 30 largest shall be filed according to the schedule attached in Appendix B; that applications for markets 31 through 60 and 61 through 90 must be filed on the date specified; that applications for all other markets are to be accepted starting March 8, 1983; and that all applications, both wireline and non-wireline, are subject to the requirements of 47 CFR 22.901 *et seq.*

23. It is further ordered, That the petitions for partial reconsideration are granted to the extent set forth herein, and are otherwise denied.

24. It is further ordered, That the Jubon petition for reaffirmation or declaratory ruling, is denied.

25. It is further ordered, That the TDS request to defer acceptance of applications, is denied.

26. It is further ordered, That the Secretary shall cause a copy of this Order to be published in the **Federal Register.**

27. It is further ordered, Pursuant to 47 U.S.C. 154(i), 301 and 303(r), that Title 47 of the Code of Federal Regulations is amended as set forth in Appendix B. These amendments shall become effective August 27, 1982.

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

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A—Parties Filing in Response to Our Reconsideration Order

Petitions for Partial Reconsideration

Answer, Inc., Answer, Inc. of Houston, Answer, Inc. of San Antonio, and Answer, Inc. of Galveston (the Answer Companies)—one jointly filed pleading
Autophone of San Antonio—(Autophone)
Blooston and Mordkofsky—(Blooston)
Telephone and Data Systems, Inc.—(TDS)

Petition for Re-Affirmation and Declaratory Ruling

Jan David Jubon, P.E.—(Jubon)

Comments in Support of, or in Opposition to, the Petitions

American Telephone & Telegraph—(AT&T)
Becker, Gurman, Lukas, Meyers & O'Brien, P.C.—(Becker, Gurman)
Gencom, Inc.—(Gencom)
GTE Service Corporation—(GTE)
LIN Broadcasting Corporation—(LIN)
Metropolitan Radio Telephone Systems, Incorporated—(MRTS)
North-West Telephone Company—(North-West)
TDS
ICS Communications—(ICS)

[9] Only five of the top 30 markets involve consolidated SMSAs. None of the remaining markets are consolidated.

[10] The set-aside serves other important purposes, *i.e.*, insuring that there will be an opportunity for the public to receive cellular service from a non-wireline carrier.

[11] Section 22.31(a)(1) of our rules, 47 CFR 22.31(a)(1), as amended today, provides that cellular applications will be considered mutually exclusive if the proposed CGSAs overlap in such a way that a grant of one would preclude the grant of one or more other applications.

[12] Where an applicant proposes to serve a top 30 SMSA and a *de minimis* portion of an adjacent area, that applicant may be granted interference protection for the entire area proposed. However, we reserve the right to condition the authority to serve the *de minimis* extension portion of the CGSA on the licensee's resolving frequency conflicts with other licensees in the area outside its SMSA. In the event that the parties are unable to reach agreement, our staff will resolve conflicts based on written pleadings and technical information and will designate the licensee to receive interference protection. Other licensees serving the area would continue to be permitted to do so on the condition that they not cause harmful electrical interference.

[13] The modified SMSA for Boston, a top-30 market, is the NECMA for that area, and thus this change will have no effect on the applications currently on file for Boston.

Reply Pleadings

Autophone
Blooston
Jubon
TDS

Appendix B—Schedule for Acceptance of Cellular Applications

All applications, both wireline and non-wireline, listed in Column A, below, are due on November 8, 1982.* All applications, both wireline and non-wireline, listed in Column B, below, are due on January 7, 1983.* Applications for all other markets will be accepted starting March 8, 1983, with normal Public Mobile Radio Services notice and cut-off procedures being applicable.

Column A

Columbus, OH
Hartford-New Britain-Bristol, CT
San Antonio, TX
Rochester, NY
Sacramento, CA
Memphis, TN–AR–MS
Louisville, KY–IN
Providence-Warwick-Pawtucket, RI
Salt Lake City-Ogden, UT
Dayton, OH
Birmingham, AL
Bridgeport-Stamford-Norwalk-Danbury, CT
Norfolk-Virginia Beach-Portsmouth, VA–NC
Albany-Schenectady-Troy, NY
Oklahoma City, OK
Nashville-Davidson, TN
Greensboro-Winston-Salem-High Point, NC
Toledo, OH–MI
New Haven-West New Haven-Waterbury-Meriden, CT
Honolulu, HI
Jacksonville, FL
Akron, OH
Syracuse, NY
Gary-Hammond-East Chicago, IN
Worchester-Fitchburg-Leominster, MA
Northeast Pennsylvania, PA
Tulsa, OK
Allentown-Bethlehem-Easton, PA–NJ
Richmond, VA
Orlando, FL

Column B

Charlotte-Gastonia, NC
New Brunswick-Perth Amboy-Sayreville, NJ
Springfield-Chicopee-Holyoke, MA
Grand Rapids, MI
Omaha, NB–IA
Youngstown-Warren, OH
Greenville-Spartanburg, SC
Flint, MI
Wilmington, DE–NJ–MD
Long Branch-Asbury Park, NJ
Raleigh-Durham, NC
West Palm Beach-Boca Raton, FL
Oxnard-Semi Valley-Ventura, CA
Fresno, CA
Austin, TX
New Bedford-Fall River, MA
Tuscon, AZ
Lansing-East Lansing, MI
Knoxville, TN
Baton Rouge, LA
El Paso, TX
Tacoma, WA
Mobile, AL
Harrisburg, PA
Johnson City-Kingsport-Bristol, TN–VA
Albuquerque, NM
Canton, OH
Chattanooga, TN–GA
Wichita, KS
Charleston-North Charleston, SC

Appendix C

PART 22—PUBLIC MOBILE RADIO SERVICES

Title 47, Part 22 of the *Code of Federal Regulations* is amended as follows:

1. Section 22.31(a)(1) is revised to read as follows:

§ 22.31 Mutually exclusive applications.

(a) * * *

(1) In the Domestic Public Cellular Radio Telecommunications Service, applications shall be considered mutually exclusive if their Cellular Geographic Service Areas overlap in such a way that a grant of one would preclude the grant of one or more of the other applications.

* * * * *

2. Section 22.903(a) is revised to read as follows:

§ 22.903 Cellular System Service Areas.

(a) The Cellular Geographic Service Areas (CGSA) of a cellular system shall be defined by the applicant as the area intended to be served. No CGSA which includes area within a Standard Metropolitan Statistical Area (SMSA), or, in New England, a New England County Metropolitan Area (NECMA), as modified in subsection (e), below, may extend beyond the boundaries of the SMSA or NECMA except where any such extensions are *de minimis* and do not include area within a central SMSA or NECMA. The CGSA must be drawn on one or more U.S. Geological survey map(s) with a scale of 1:250,000. Within the CGSA the applicant must depict each base station site and its respective 39 dbu contour as determined by the methods described in paragraph (c) below. An applicant must demonstrate that the combined 39 dbu contours of all base stations will cover at least 75% of the total CGSA.

* * * * *

[FR Doc. 82-20401 Filed 7-27-82; 8:45 am]

BILLING CODE 6712-01-M

* Applicants may file within two weeks prior to this date. This will accommodate concerns that because of uncertainties surrounding the mail, an application might be received before or after this date. Applications received before this date will be formally accepted for filing as of this date and will not be made available for public inspection earlier than those actually filed on this date. In the event that one, or both frequency blocks in a market is not applied for on this date, we will accept applications for those frequency blocks starting March 8, 1983, with normal Public Mobile Radio Services notice and cut-off procedures being applicable.

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47 CFR Part 73

[BC Docket No. 82-149; RM-4000]

Radio Broadcast Services, FM Broadcast Station in Chester, Calif.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C Channel 255 to Chester, California, in response to a petition filed by Michael E. and Teresa R. Worrall. The assigned channel could provide a first Class C FM service to Chester.

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.

Report and Order; Proceeding Terminated

Adopted: July 9, 1982.
Released: July 15, 1982.

1. The Commission has under consideration a Notice of Proposed Rule Making, 47 FR 13844, published April 1, 1982, proposing the assignment of Class C FM Channel 255 to Chester, California, as that community's first FM assignment in response to a petition filed by Michael E. and Teresa R. Worrall ("petitioners"). Comments in support of the proposal were filed by petitioners, reaffirming their intention to file for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. As requested in the Notice, petitioners submitted population and preclusion data. 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, these data are no longer required.

3. The Commission has determined that the public interest would be served by assigning Class C Channel 255 to Chester, California 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.
Chester, California	255

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. 82–20424 Filed 7–27–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–774; RM–3947]

Radio Broadcast Services, FM Broadcast Station in Key West, Florida; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C FM Channel 254 to Key West, Florida, in response to a petition filed by B.F.J. Timm. The assignment could provide a fourth FM service to Key West.

DATE: Effective: September 14, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

Adopted: July 13, 1982.

Released: July 19, 1982.

1. The Commission herein considers the Notice of Proposed Rule Making, 46 FR 58710, published December 3, 1981, proposing the assignment of Class C FM Channel 254 to Key West, Florida, as that community's fourth FM assignment, in response to a petition filed by B.F.J. Timm ("petitoner"). Supporting comments were filed by petitoner in which he reaffirmed his intent to apply for the channel, if assigned. Opposing comments were received from Florida Keys Broadcasting Corporation ("Florida Keys"), licensee of co-owned Stations WKIZ and WFYN(FM), Key West and Phoenix Radio of Florida, Inc. ("Phoenix"), licensee of WIIS(FM), Key West, which elicited a response by the petitioner.

2. Petitioner submitted additional demographic data in support of its request for a fourth FM assigment to Key West. However, in view of the action taken in BC Docket No. 80–130, Second Report and Order, 47 FR 26624, published June 21, 1982, this information is no longer needed to justify an additional channel assignment.

3. Similarly, Phoenix and Florida Keys raised issues to which we no longer have policy objections, *i.e.*, the amount of service that a city already has based on population guidelines and other generalized allegations concerning the lack of need for additional local stations. These matters are no longer relevant to the allocations decisions in view of the action in BC Docket 80–130, *supra.*

4. Both opponents raised one matter which deserves our attention. They contend that if a demand exists for another station, then dormant Station WVFK (Channel 258) could have resumed service.[1] Its failure to do so should be viewed by the Commission as a lack of interest in this market. Alternatively, the dormant channel should be made available for another interest such as that of petitioner. It is suggested, therefore, that a final determination herein be deferred pending the ultimate disposition of WVFK's authorization.

5. Opponents' query whether there is a "demand" for an additional broadcast outlet in Key West, as contemplated by section 307(b) of the Act, should not be viewed in terms of the existing assignments to Key West. For assignment purposes, demand is founded on a party's expression of interest in, and commitment to apply for and operate a facility. See, *Floresville, Texas,* 53 F.C.C. 2d 1138 (1975).

6. Thus the status of FM Station WVFK's authorization is not pertinent to determining whether a demand exists for an additional outlet at Key West. We have no explanation from Station WVFK as to why it is still off the air or as to its further plans. We could not proceed to vacate its authorized channel without affording it a forum for explaining its situation. The Commission has no pending proceeding underway regarding that channel. Thus we cannot consider that channel to be available as an alternative in this proceeding.

7. Thus, in view of the interest expressed in the allocation of an additional FM channel to Key West and the absence of any policy objections to the assignment, we believe that the public interest would be served by the allocation of a fourth FM station to Key West. The assignment can be made in conformity with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

8. 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, the FM Table of Assignments, § 73.202(b) of the Rules, is amended as follows:

City	Channel No.
Key West, Florida	223, 254, 258 and 296A

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

10. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

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

Federal Communication Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–20427 Filed 7–27–82; 8:45 am]

BILLING CODE 6712–01–M

[1] According to unverified information, one of the three FM stations assigned to Key West, WVFK, has been silent for over one year.

47 CFR Part 73

[BC Docket No. 82-178; RM-4015]

Radio Broadcast Services; FM Broadcast Station in Lewiston, Idaho, Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes Class C FM Channel 243 for Channel 244A at Lewiston, Idaho, and modifies the Class A license accordingly, in response to a petition filed by 4–K Radio, Inc.

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

Radio broadcasting.

Report and Order; Proceeding Terminated

Adopted: July 13, 1982.

Released: July 19, 1982.

1. In response to a petition filed by 4–K Radio, Inc. ("petitioner")[1] the Commission adopted a Notice of Proposed Rule Making, 47 FR 16658, published April 19, 1982, proposing to substitute Class C Channel 243 for Channel 244A at Lewistown, Idaho. The Notice also proposed to modify the Class A license for Station KOZE–FM to specify operation on Channel 243. Comments supporting the proposal were filed by the petitioner and by Ida-Vend Company, both indicating their interest in the Class C channel. Ida-Vend Company both indicating their interest in the Class C channel. Ida-Vend Company filed additional comments, to which petitioner responded.[2]

2. In comments, the petitioner restated the information in the Notice which demonstrated the need to upgrade its Class A facility to a Class C operation. Ida-Vend in its comments stated that it was interested in applying for Channel 243, if assigned. However, it later said that based upon its reevaluation of the proceeding, it believed that the public interest will best be served if it did not compete with 4–K Radio for Channel 243. Thus, it withdrew its notice of intent to apply for the channel.

3. We have concluded that the public interest would be served by the proposed substitution of channels so as to provide Lewiston, with a third Class C FM station. The Notice stated that should another party express an interest in Channel 243, the proposed modification could not be made. In view of the fact that Ida-Vend Company (the only party expressing an interest in Channel 243) has withdrawn that interest, we have authorized in paragraph 5, a modification of petitioner's license for Station KOZE–FM to specify operation on Channel 243. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). We note that a site restriction of 2.5 miles northeast is needed for Channel 243.

4. In view of the foregoing and 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.
Lewiston, Idaho	243, 268, and 295.

5. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by 4–K Radio, Inc. for Station KOZE–FM, Lewiston, Idaho, is modified, effective September 14, 1982, to specify operation on Channel 243 instead of Channel 244A. Station KOZE–FM may continue to operate on Channel 244A for one year from the effective date of this action or until it is ready to operate on Channel 243, whichever is earlier, unless the Commission sooner directs, subject to the following conditions:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction, permit, program tests may be conducted in accordance with § 73.1620.

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

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

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

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-20428 Filed 7-27-82; 8:45 am]

BILLING CODE 6712-01-M

[1] Petitioner is the licensee of Stations KOZE (AM and FM), Lewiston, Idaho, KLER (AM and FM), Orofino, Idaho, and KORT (AM and FM), Grangeville, Idaho.

[2] Petitioner's response merely points out to the Commission that Ida-Vend is no longer interested in Channel 243 at Lewistown.

47 CFR Part 73

[BC Docket No. 81-168; RM-3561, RM-3608, RM-3899]

Radio Broadcast Services, FM Broadcast Station in Boothbay Harbor, Ellsworth, Farmington, Lewiston, Skowhegan, and Belfast, Maine; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action denies a petition for rule making seeking the assignment of Class B FM Channel 238 to Lewiston, Maine, as that community's third FM assignment. In order to make the Lewiston assignment, operating stations in Ellsworth and Farmington, Maine, would have to change operating frequencies. WRXV, Inc., the proponent of the Lewiston assignment, failed to indicate its willingness to reimburse the licensees of the Ellsworth and Farmington stations for the expenses necessary for those stations to change frequencies. Without a promise from the proponent of the assignment to reimburse the Ellsworth and Farmington licensees, the Lewiston assignment will not be finalized.

DATE: Effective: September 14, 1982.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Second Report and Order; Proceeding Terminated

Adopted: July 12, 1982.

Released: July 16, 1982.

1. Before the Commission is a *Further Notice of Proposed Rule Making and Orders to Show Cause*, 46 FR 62871, published December 29, 1981, proposing the assignment of FM Channel 238 to

Lewiston, Maine, as that community's third FM assignment. The assignment of Channel 238 to Lewiston further requires the following channel substitutions, which were also proposed: Channel 258 for Channel 284 at Belfast, Maine; Channel 284 for Channel 239 at Ellsworth, Maine; and Channel 249A for Channel 257A at Farmington, Maine. Finally, the licensees of stations operating on Channel 239 at Ellsworth and Channel 257A at Farmington were ordered to show cause why their licenses should not be modified to specify operation on the substituted channels. Comments were submitted by WRXV, Inc. ("WRXV"), the petitioner for the additional assignment to Lewiston, and Dudman Communications Corporation ("Dudman"), licensee of Station WDEA–FM (Channel 239), Ellsworth. Reply comments were filed by WRXV, Dudman and Kennebec-Tryon Communications Corporation ("KTCC"), licensee of FM Station WABK–FM (Channel 282), Gardiner, Maine. Late-filed comments in support of the Lewiston assignment were filed by Ethniradio, Inc.

2. In the original *Notice* in this proceeding, 46 FR 18743, published March 26, 1981, we proposed to assign Channel 238 to Lewiston and substitute Channels 233 and 296A for Channels 239 and 232A, respectively, at Ellsworth. Dudman, the licensee operating on Channel 239 at Ellsworth, objected to its proposed modification to Channel 233, arguing that it would result in interference between its station and superpower Station WHOM at Mount Washington, New Hampshire (Channel 235).[1] Noting that we took no position on Dudman's claim of interference, we proposed the alternative assignment plan in an effort to alleviate Dudman's concerns.[2] In the *Further Notice*, we stated that the channel substitutions at Ellsworth and Farmington were proposed for the benefit of WRXV in its attempt to facilitate the assignment of Channel 238 to Lewiston. We therefore asked WRXV to indicate its willingness to reimburse both the Ellsworth and Farmington licensees for the expenses necessary for those licensees to change channels. We also noted that the assignment of Channel 238 to Lewiston had a significant preclusive impact on the city of Kennebunk, Maine. We therefore requested WRXV to present further justification for the Lewiston assignment.

3. In response, WRXV states that it supports the proposals set forth in the *Further Notice* which would permit the assignment of Channel 238 to Lewiston. WRXV sets forth additional preclusion data and allegations concerning the need for the requested Lewiston assignment. However, in view of the action taken in BC Docket No. 80–130, *Revision of FM Assignment Policies and Procedures*, 47 FR 26624, published June 21, 1982, this information is no longer needed to justify the assignment.

4. In its comments, Dudman makes several arguments against the newly proposed assignment scheme. These arguments also concern matters that are no longer relevant to assignment considerations. See *Revision of FM Assignment Policies and Procedures, supra.*

5. Duman's other argument centers on the interference which it alleges Station WDEA–FM will suffer if it is forced to change channels and transmit on Channel 284. Dudman claims that the plan would cause even more serious interference for WDEA than the original plan, in which WDEA would have modified to Channel 233. Under the present plan, Dudman indicates that WDEA will experience interference from both of the second adjacent channels to Channel 284. Operating on Channel 284, WDEA would be placed between Station WTOS–FM, Skowhegan, Maine, and Station WABK–FM, Gardiner, Maine. Although admitting that the assignment of Channel 284 meets the spacing restrictions for the second adjacent channels, Dudman asserts that under the channel modification, the western portions of the 40 μV/m contour of WDEA would be covered by one or both of the second adjacent channel signals.

6. Finally, Dudman submits that the Commission should consider postponing action on the Lewiston assignment pending completion of the rule making proceeding in BC Docket No. 80–90.[3] Dudman notes that application of the policies proposed in BC Docket 80–90 would allow Lewiston to have its third FM assignment without necessitating a channel shift for Station WDEA–FM. Finally, Dudman states that if the Commission is inclined to proceed with the channel substitution at Ellsworth, it requests that a hearing be held on whether the license of Station WDEA–FM should be modified.

7. In reply, WRXV states that Dudman's complaint is based on interference protection to which it is not entitled. WRXV notes that the assignment of Channel 284 to Ellsworth meets all the applicable spacing requirements. Consequently, WRXV urges that Dudman's arguments should no longer be allowed to halt the development of FM channels in Maine. WRXV also asks that the Commission not postpone a decision pending a resolution of BC Docket 80–90. WRXV opines that the possibility of adopting new allocations standards in the future should not halt the process of making new assignments under the present rules.

8. Dudman states in its reply that WRXV's initial comments are procedurally defective because they fail to contain a verification which is required by § 1.52 of the Commission's Rules. Dudman also asserts that the assignments must fail because WRXV has not indicated its willingness to reimburse the licensees of the two stations that would be modified under the proposed assignment scheme. Finally, Dudman states that WRXV has failed to provide adequate justification for the Lewiston assignment and the concomitant preclusion which it causes to Kennebunk.

9. A reply comment was also filed by Kennebec-Tryon Communications Corporation ("KTCC"), licensee of FM Station WABK–FM, Gardiner, Maine. KTCC also objects to the channel substitution in Ellsworth essentially for the same reasons as advanced by Dudman. According to KTCC, if WDEA operates on Channel 284 in Ellsworth, WABK–FM in Gardiner (Channel 282) would suffer severe second channel interference. KTCC alleges that the interference would result in the loss of a substantial amount of service. KTCC also claims that the proponent of the assignment at Lewiston has not demonstrated that the additional channel at Lewiston would serve the public interest. KTCC thus urges that the proposed assignment at Lewiston and resulting substitution at Ellsworth be denied.

10. The commenters have raised a number of issues, but resolution of this proceeding rests on only one. In the *Orders to Show Cause* directed to WDEA–FM, Ellsworth, and WKRJ–FM, Farmington, we indicated that if modification were ordered, the licensees would be entitled to reasonable reimbursement of the expenses they would incur in changing channels. Such

[1] "Superpower" stations are stations whose facilities were grandfathered prior to the adoption of the Commission's present power and antenna height requirements. Station WHOM, Mount Washington, operates at 48 kW power, with an antenna height of 3760 HAAT.

[2] Acadia Broadcasting Company, permittee of Station WKSQ (FM) (Channel 232A) at Ellsworth, also opposed the proposed substitutions.

[3] *Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments*, 78 F.C.C. 2d 1235 (*Notice of Proposed Rule Making*, 1980).

reimbursement is ordered by the Commission whenever a new channel assignment requires an existing station to change operating frequencies. We specifically noted in the *Further Notice* that WRXV, the proponent of the Lewiston assignment, should indicate its willingness to reimburse the Ellsworth and Farmington licensees in the event it became the Lewiston licensee. Neither the comments nor the reply comments of WRXV make any reference to the reimbursement issue. Without an express indication from WRXV that it is willing to reimburse both affected licensees, it has been our policy to refuse to make the requested assignment. *Westover and Grafton, West Virginia,* 48 R.R. 2d 168 (Broadcast Bur. 1980), *recons. granted,* 48 R.R. 2d 1333 (Broadcast Bur. 1981). By taking this action, we express no opinion on the objections to the proposed assignment raised by Dudman and KTCC.

11. Accordingly, it is ordered, that the petition for rule making filed by WRXV, Inc., seeking the assignment of Channel 238 to Lewiston, Maine, is dismissed.

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

13. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

Martin Blumenthal,

Assistant Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-20429 Filed 7-27-82; 8:45 am]

BILLING CODE 6712-10-M

47 CFR Part 73

[BC Docket No. 81-347; RM-3765; RM-3952]

Radio Broadcast Services; FM Broadcast Station in Glenwood and Alexandria, Minn.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns a third FM channel to Alexandria, Minnesota, in response to a proposal submitted by Principals Three Company.

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

Radio broadcasting.

Second Report and Order; Proceeding Terminated

Adopted: July 13, 1982.

Released: July 19, 1982.

1. In a *First Report and Order* released November 12, 1981, the Commission assigned Channel 296A to Glenwood, Minnesota (RM–3765). The remaining issue pertains to a counterproposal submitted by Principals Three Company ("petitioner") to assign Channel 257A to Alexandria, Minnesota, as its third FM assignment.

2. The Commission issued a *Further Notice of Proposed Rule Making* (47 FR 8382, published February 26, 1982) requesting additional information to justify a third assignment to Alexandria since the request exceeded our population guidelines. In response to the *Notice,* petitioner restated its intention to apply for Channel 257A, if assigned, and submitted a preclusion study and a list of alternate channels available to the communities precluded by a Channel 257A assignment to Alexandria, Minnesota. However, in view of the action in the *Second Report and Order,* BC Docket 80–130, 47 FR 26624, published June 21, 1982, revising the FM assignment policies, a preclusion showing is no longer required to justify an assignment.

3. In view of the above, we have concluded that assigning Channel 257A to Alexandria, Minnesota, as its third FM local service would serve the public interest. The channel can be assigned in compliance with the minimum distance separation requirements.

4. Canadian concurrence has been obtained in the assignment of Channel 257A to Alexandria, Minnesota.

5. 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.
Alexandria, Minn	244A, 257A, and 264.

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

7. For further information concerning the above, contact Montrose H. Tyree, 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. 82-20430 Filed 7-27-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-112; RM-4023]

TV Broadcast Station in Charleston, South Carolina, Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF Television Channel 24 to Charleston, South Carolina, in response to a petition filed by B.K. Enterprises. The assignment could provide a fourth commercial television service to Charleston.

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

Television.

Adopted: July 9, 1982.

Released: July 15, 1982.

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations, (Charleston, South Carolina); Report and Order (Proceeding Terminated).

By the Chief, Policy and Rules Division:

1. The Commission has under consideration the notice of proposed rule making, 47 FR 10259, published March 10, 1982, proposing the assignment of UHF Television Channel 24 to Charleston, South Carolina, as its fourth commercial television assignment. The notice was issued in response to a petition filed by B. K. Enterprises ("petitioner"). Supporting comments were filed by the petitioner. No oppositions were received.

2. Charleston (population 69,510), seat of Charleston County (population 277,308)[1] is located on the Atlantic

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

coast, 130 kilometers (80 miles) northeast of Savannah, Georgia. Charleston has three commercial stations (WCBD–TV (Ch. 2), WEIV (Ch. 4), WCSC–TV (Ch. 5)) and one noncommercial educational station (WITV (Ch. *7)).

3. In its comments to the proposal, the petitioner reiterated statements contained in the notice demonstrating the need for a first UHF and fourth local commercial television assignment to Charleston and reaffirmed its interest in applying for the channel, if assigned.

4. We believe that the petitioner has adequately demonstrated the need for additional service to Charleston, and that the public interest would be served by assigning UHF television Channel 24 to that community. The assignment can be made in compliance with the minimum distance separation requirements and other technical criteria.

5. 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, the Television Table of Assignments (§ 73.606(b) of the Rules) is amended with respect to the community listed below:

City	Channel No.
Charleston, S.C	2+, 4, 5+, *7–, 24

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

7. 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. 82-20416 Filed 7-27-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Amendment to Regulations Describing Zones in Which Non-Toxic Shot Is Required for Waterfowl Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule amends descriptions of certain zones in which non-toxic shot is required for waterfowl hunting. When eaten by waterfowl, spent lead pellets may have a toxic effect. The only approved non-toxic shot available at this time is steel shot. Zone descriptions for Maine, Massachusetts, Indiana, and Nebraska are amended. At the request of these States, the Service is making additions and deletions to the non-toxic shot zones.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Robert I. Smith, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–254–3207).

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

Appropriated funds for the Department of the Interior for fiscal year 1982 were restricted in their use by the following provision:

> No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation.

On December 29, 1981, the Service contacted all Directors of State Fish and Wildlife Agencies by letter. In that letter States wishing to amend the descriptions of non-toxic shot zones published in the **Federal Register** on August 13, 1981, (46 FR 40879–84), were asked to notify the Service of any such proposed changes no later than January 28, 1982.

Ten States responded to the service's letter of December 29, 1981, and three of these States requested changes in § 20.108. These three States were Massachusetts, Nebraska and Indiana. In addition, on November 5, 1981, the Maine Department of Inland Fisheries and Wildlife notified the Service of its removal of State regulations pertaining to non-toxic shot. Massachusetts Division of Fisheries and Wildlife requested that non-toxic shot requirements be removed from all areas in the State except Parker River National Wildlife Refuge and Plum Island. Indiana Department of Natural Resources requested changes in boundaries of certain zones, and Nebraska Game and Parks Commission requested several additional zones. On April 12, 1982, the Service proposed to amend § 20.108 (47 FR 15614–15). Comments on this proposal were accepted until May 17, 1982.

Summary of Public Comment and Service Responses

Between April 12, 1982, and May 17, 1982, fourteen letters relating to the proposed amendment were received by the Service. Six letters were from State wildlife agencies, six were from individuals, and two were from private organizations. All letters from individuals and private organizations expressed opposition to the proposed changes in Maine and Massachusetts. The Rhode Island Division of Fish and Wildlife made a similar request that zones in Maine and Massachusetts not be removed. Maine Department of Inland Fisheries and Wildlife commented in support of the proposal for Maine. Virginia Game and Inland Fisheries Commission and the New York Department of Environmental Conservation supported no changes in regulations for their States, and this is consistent with the proposal.

The North Carolina Wildlife Resources Commission requested that the rule be enforced in North Carolina only for those waterfowl hunters using 12-gauge guns. They requested that this exception not be applied to three National Wildlife Refuges in North Carolina where steel shot is required.

The Service offers the following responses to the comments:

Opposition to removal of zones in Massachusetts and Maine. No single criterion or combination of criteria for selecting non-toxic shot zones has been acceptable to all States or all flyway councils. Therefore, the seriousness of lead shot ingestion by waterfowl at specific locations is being determined by using several criteria along with judgements of local waterfowl management specialists. The wildlife authorities in both Maine and Massachusetts have determined that the problem in the zones removed was not serious enough to justify steel shot requirements. It is a policy of the Service to defer to these determinations, which are made by those most closely associated with the situtation.

Requirement applicable to 12-gauge only. From 1976 through 1979, gauge

exceptions were considered in this rule-making process; however, on September 1, 1980, the rule related to this issue (§ 20.21j) was amended to apply to all gauges (44 FR 2597–99). Studies conducted between 1976 and 1979, indicated that the exception for gauges other than 12-gauge significantly reduced the effectiveness of any effort to reduce lead shot ingestion by waterfowl. We did not interpret the comment by the Wildlife Resources Commission of North Carolina to be a request to amend § 20.21j. This comment relates to the manner in which the rule will be enforced in North Carolina. State agencies will be contacted in August 1982, to determine their position on the question of enforcement of the rule in 1982.

Other Information: Steel shot requirements occur in some areas by State regulation but not Federal regulation. Such areas occur in Texas, Colorado, and South Dakota. Some National Wildlife Refuges require steel shot and these rules are listed along with other regulations for each refuge but not in § 20.108.

Florida has notified the Service that they will propose three additional zones in 1983; these are Lake Ponte Verdra north of the Guana Dam, Occidental Wildlife Management Area in Hamilton County, and IMC Wildlife Management area in Polk County.

This rule will not result in the collection of information from, or place recordkeeping requirements on, the public, under the Paperwork Reduction Act of 1980. In accordance with Executive Order 12291, it has been determined that this rule is not a major rule. However, the potential effects of this rule on certain individual consumers and businesses will continue to be monitored. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) it was determined that this rule, if implemented without adequate warning, could result in ammunition supplies for which there is no local demand. Not more than 100 retail stores would be affected by this regulation change, and it is believed that adequate notice has been provided. Therefore, it was determined that the rule will not have a significant economic effect on a substantial number of small entities. A copy of the analysis relating to these decisions, *Determination of Effects of Proposed Steel Shot Rules,* can be obtained from the U.S. Fish and Wildlife Service (MBMO), Washington, D.C. 20240. An Environmental Impact Statement on the steel shot program was signed in 1976. In addition, Environmental Assessments were prepared on various aspects of the steel shot program in 1977 through 1980. Copies of these documents can be obtained from the U.S. Fish and Wildlife Service (MBMO) Washington, D.C. 20240.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife, Lead poisoning.

This final rule was authored by Robert I. Smith, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240; 202–254–3207.

PART 20—MIGRATORY BIRD HUNTING

Accordingly, 50 CFR, Chapter I, Part 20, Subchapter B, Subpart K is amended by removing the non-toxic shot zone descriptions as indicated and replacing them with the following:

§ 20.108 [Amended]

1. Delete the entry for Maine.

2. Replace the present wording for Massachusetts with the following:

Parker River National Wildlife Refuge and Plum Island

3. Replace the present wording for Indiana with the following:

(1) On all waters of Lake, Porter, LaPorte, Newton, Jasper, Starke, Elkhart, Kosciusko, LaGrange, and Steuben Counties and within a 150 yard zone of land in these Counties adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Excluded from these provisions are the waters of Lake Michigan and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

(2) All waters and within a 150 yard zone of land adjacent to the margins of these waters on the Japser-Pulaski, Tri-County, and Glendale Fish and Wildlife Areas.

(3) Within the boundaries of the following State-owned or State-operated properties: Hovey Lake Fish and Wildlife Area in Posey County, Mallard Roost Wetland Conservation Area in Noble County, Monroe Reservoir in Monroe and Brown Counties, and Patoka Reservoir in Dubois, Crawford and Orange Counties.

(4) Within the proposed boundaries of the Menominee Wetlands Conservation Area in Marshall County.

4. Replace present wording for Nebraska with the following:

(1) All waters of Clay, Fillmore, Kearney, and Phelps counties and zone of land within 150 yards of these waters. Included are all lakes, ponds, marshes, lagoons, rivers and streams and seasonally flooded areas of all types. Excluded from these provisions are the waters of the Platte River and temporary sheet water that are more than 150 yards from the waters described above.

(2) All State and federally owned or controlled public hunting areas as designated by the Commission and posted as non-toxic shot areas for waterfowl hunting (Macon WPA, Quadhammer WPA, and Ritterbush WPA in Franklin County; Elley WPA, Peterson WPA, Victor Lake WPA, Johnson Lake Reservoir, and Elwood Reservoir in Gosper County; County Line WPA, Sinninger WPA, and Waco WPA in York County; Pintail WMA—Hamilton County; Smartweed WMA—Nuckolls County; Harlan County Reservoir—Harlan County; Schilling WMA—Cass County).

(3) Those lands and waters in Keith and Garden Counties defined as: All lands and water lying west of Omaha Beach and Eagle Canyon access roads between State Highway 92 and U.S. Highway 26 to the Lewellen Bridge.

Dated: July 12, 1982.

Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-20277 Filed 7-27-82; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 2723-138]

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of California, Oregon, and Washington

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

ACTION: Notice of inseason adjustment and closure.

SUMMARY: The Secretary of Commerce issues this notice to adjust the recreational coho quota and to close the recreational fishing season for salmon in the fishery conservation zone between Leadbetter Point, Washington, and Cape Falcon, Oregon (subarea B), at midnight on July 25, 1982. The Director, Northwest Region, National Marine Fisheries Service, has determined that the adjustment recreational quota of 94,000 of coho salmon for this subarea will be reached by that date. This action is necessary to ensure that quotas for coho salmon are not exceeded in 1982.

EFFECTIVE DATES: Adjustment of coho quota and closure of subarea B to recreational salmon fishing are effective from 2400 hours Pacific Daylight Time (PDT), July 25, 1982, until 2400 hours, Pacific Standard Time, December 31, 1982.

FOR FURTHER INFORMATION CONTACT:
H. A. Larkins, (Director, Northwest Region, National Marine Fisheries Service), 7600 Sand Point Way, BIN C15700, Seattle Washington, 98115; telephone 206–527–6150.

SUPPLEMENTARY INFORMATION:
Emergency regulations to implement a 1982 amendment to the fishery management plan for the Commerical and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California were published in the **Federal Register** (47 FR 21256) for the commerical fishery north of Cape Blanco, Oregon, and the coastwide recreational fisheries. These emergencies regulations were effective on May 14, 1982, for a 45-day period and were extended for an additional 45 days on June 28, to be effective through August 11, 1982 (47 FR 28105).

These regulations specify at § 661.22(a)(2) that when a subarea quota is projected by the Director, Northwest Region, National Marine Fisheries Service (Regional Director), to be reached by a certain date, the Secretary of Commerce (Secretary) shall, by publishing a field order in the **Federal Register**, close the fishery as of the date the quota will be reached in that subarea.

The coho quota specified in § 661.22(a)(1) for the recreational fishery in subarea B is 100,000 coho salmon. The quota is hereby ajusted downward to 94,000, in accordance with § 611.22(b)(1), on the basis of the Regional Director's determination that the contribution of private hatchery-produced coho salmon would be about 5.5 percent of the total recreational coho salmon harvest rather than the 11 percent preseason estimate. Based on information supplied by the Washington Department of Fisheries (WDF) and the Oregon Department of Fish and Wildlife (ODFW), the recreational fishery in subarea B will reach the adjusted 94,000 coho salmon by July 25, 1982. The Secretary therefore issues this notice that the recreational fishery in subarea B will be closed effective midnight, July 25, 1982. This notice does not affect seasons or quotas for other subareas specified in the 1982 regulations.

Consultations have been held with the Directors of WDF and ODFW and representatives of the Pacific Fishery Management Council regarding this closure.

As provided under § 661.22(c), all information and data relevent to this notice of closure have been complied in aggregate form and are available for public review at the above address during normal working hours.

This action is taken under the authority of 50 CFR 661.22, and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fish, Fisheries, Fishing, Indians.

(16 U.S.C. 1801 et seq.)

Dated: July 23, 1982.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries National Marine Fisheries Service.

[FR Doc. 82-20402 Filed 7-23-82; 3:12 pm]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 47, No. 145
Wednesday, July 28, 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 JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Removal of Loperamide From Control

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes the removal of the drug, loperamide, and salts thereof, from control under the Controlled Substances Act (21 U.S.C. 801 *et seq.*). This action results from the Acting Administrator of the Drug Enforcement Administration finding that loperamide hydrochloride has a currently accepted medical use in treatment in the United States and does not have sufficient potential for abuse or abuse liability to justify its continued control in any schedule.

DATE: Comments and objections must be received on or before September 27, 1982.

ADDRESS: Comments and objections may be submitted in quintuplicate to the Acting Administrator, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug Enforcement Administration, Drug traffic control, Narcotics, Prescription drugs.

In 1976, the Assistant Secretary for Health, Department of Health, Education and Welfare, pursuant to 21 U.S.C. 811(f), requested that the drug, loperamide, be placed into Schedule V of the Controlled Substances Act (CSA). The Administrator of the Drug Enforcement Administration, in accordance with 21 U.S.C. 811(a) and 811(b), determined that loperamide should be placed into Schedule V of the CSA and ordered that accomplished in a notice published in the **Federal Register** (42 FR 25498, May 18, 1977).

In 1979, Ortho Pharmaceutical Corporation petitioned the Administrator to remove loperamide from control under the CSA. The Administrator, in accordance with 21 U.S.C. 811(b), requested from the Department of Health and Human Services (the successor agency to the Department of Health, Education and Welfare) a scientific and medical evaluation and recommendation as to the merits of the petition. In a letter dated March 24, 1982, the Assistant Secretary for Health, acting on behalf of the Secretary, provided the Acting Administrator with his evaluation and recommended that loperamide be removed from control. The letter is set forth below:

March 24, 1982.

Mr. Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537

Dear Mr. Mullen: Pursuant to Section 201(b) of the Controlled Substances Act, 21 U.S.C. 811(b), this letter is notification of the following recommendations prepared by the Food and Drug Administration: 1) to remove loperamide hydrochloride from Schedule V of the Act into a noncontrolled, prescription status, and 2) to monitor loperamide actively in your agency's drug abuse indicator systems for a period of three years after the decontrol action has become effective. A Summary of the Basis of Recommendation for the change in control is enclosed with this letter.

I concur with the Food and Drug Administration's recommendations. I further recommend that these actions become effective as soon as practical.

Should you have any questions concerning these recommendations, the appropriate staff is prepared to respond.

Sincerely yours,

Edward N. Brandt, Jr., M.D.,
Assistant Secretary for Health.

Enclosure.

Based upon the investigations of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of the Department of Health and Human Services, received pursuant to 21 U.S.C. 811(b), the Acting Administrator finds that loperamide hydrochloride has a currently accepted medical use in treatment in the United States and does not have sufficient potential for abuse to justify its continued control in any schedule of the CSA.

Therefore, under the authority vested in the Attorney General by Section 201(a) of the Act (21 U.S.C. 811(a)) and delegated to the Acting Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0.100), the Acting Administrator hereby proposes that 21 CFR 1308.15 be amended by removing paragraph (c).

Interested persons are invited to submit their comments, objections or requests for a hearing in writing with regard to this proposal. Requests for a hearing should state with particularity the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted in quintuplicate to the Acting Administrator, Drug Enforcement Administration, 1405 I Street, N.W. Washington, D.C. 20537, Attention: DEA Federal Register Representative.

In the event that comments, objections or requests for a hearing raise one or more issues which the Acting Administrator finds warrant a hearing, the Acting Administrator shall order a public hearing by notice in the **Federal Register** summarizing the issues to be heard and setting the time for the hearing which will not be less than 30 days after the date of the notice.

If no objections presenting grounds for a hearing on this proposal are received within the time limitation or if interested parties waive or are deemed to have waived their opportunity for a hearing or to participate in a hearing, the Acting Administrator, after giving consideration to written comments and objections, will issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Pursuant to 5 U.S.C. 605(b), the Acting Administrator certifies that removal of loperamide from control under the Controlled Substances Act is a deregulation action which will have no adverse impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354).

In accordance with the provisions of 21 U.S.C. 811(a), this proposal to remove

loperamide from Schedule V is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and as such have been exempted from the consultation requirements of Executive Order 12291.

Dated: July 22, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-20381 Filed 7-27-82; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 886 and 938

Abandoned Mine Land Reclamation Program

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

ACTION: Receipt of the Abandoned Mine Land Reclamation (AMLR) Grant Application from the State of Pennsylvania.

SUMMARY: On June 18, 1982, the State of Pennsylvania submitted to the Office of Surface Mining Reclamation and Enforcement (OSM) its proposed Abandoned Mine Land Reclamation (AMLR) grant application under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State grant application. The grant will not be approved until the Secretary has approved the Title V Regulatory Program and the Title IV Reclamation Program.

DATES: Written comments on the application must be received on or before 5:00 p.m. August 12, 1982.

ADDRESS: Copies of the full text of the proposed Pennsylvania grant application are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Pennsylvania State Office, 100 Chestnut Street, Suite 300, Harrisburg, Pennsylvania 17101, and

Department of Environmental Resources, Office of Resources Management, Evangelical Press Building, Third and Riley Streets, Harrisburg, Pennsylvania 17120.

Written comments should be sent to:

Robert Biggi, State Office Director, Office of Surface Mining Reclamation and Enforcement, 100 Chestnut Street, Suite 300, Harrisburg, Pennsylvania 17101.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, (717) 782-4036.

SUPPLEMENTARY INFORMATION: A State reclamation plan was submitted to the Secretary. Action by the Secretary on the Plan has been delayed because Pennsylvania does not have an approved State regulatory program under Title V of SMCRA. Under Section 405(c) of the SMCRA, the Secretary cannot approve a State AMLR program unless that State has an approved State regulatory program pursuant to Section 503 of the SMCRA.

On June 18, 1982, OSM received an AMLR grant application from the State of Pennsylvania.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an AMLR program for the purposes of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State and Federal law.

Each State having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA may submit to the Secretary a State reclamation grant application to implement the provisions of the approved State Reclamation Plan. However, grants for reclamation may be issued only to States with an approved Title V Regulatory Program for active mine reclamation and an approved Title IV Reclamation Program. The grant application received from the State of Pennsylvania will be reviewed and held pending a final approval by the Secretary on the State's Title V and Title IV programs in accordance with SMCRA.

This notice describes the nature of the proposed projects and sets forth information concerning public participation in the development of the projects.

This publication does not represent any decision by the Secretary on the Title V Regulatory Program or the Title IV Reclamation Program, but is published solely for the purpose of expediting the review process and the implementation of the reclamation program if the Title V and Title IV programs of the State of Pennsylvania are approved.

All written comments must be mailed or hand carried to the State Director's Office above.

The comment period will close at 5:00 p.m. on August 12, 1982. Comments received after that time will not be considered. During the comment period representatives of the State Director's office will be available to meet between 8:00 a.m. and 4:00 p.m. at the request of members of the public to receive their advice and recommendations concerning the proposed State AMLR application.

Persons wishing to meet with representatives of the State Director's office during this time period may place such requests with Robert Biggi, State Director, telephone (717) 782-4036, at the State Director's Office above.

Meetings may be scheduled between 9 a.m. and noon and 1 p.m. and 4 p.m. Monday through Friday excluding holidays.

OSM intends to continue to discuss the State's application with representatives of the State throughout the review process.

In order to comply with the requirements of the National Environmental Policy Act, OSM will assess the environmental effects of all State reclamation projects. The primary basis for this assessment will be the environmental information provided in the project grant application.

The Pennsylvania AMLR grant application can be approved if:

1. The Director finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.
2. Views of other Federal agencies have been solicited and considered.
3. The application meets all the requirements of the OSM, AMLR program provisions and the required Federal circulars.
4. The State has an approved regulatory program and an approved State reclamation plan.

The following constitutes a summary of the contents of the submission:

1. Designation of authorized State Agency to administer the program.
2. Objectives and need for the assistance.
3. Project ranking and selection.
4. Coordination with other reclamation programs.
5. Results and benefits expected.
6. Plan of action pertaining to the scope.
7. Monthly or quarterly projections of accomplishments to be achieved.

8. Kinds of data to be collected and maintained.

9. Criteria used to evaluate the results and success of the projects.

10. Key individuals to be employed.

11. Precise location of the project and area to be served.

12. Budgetary calculations for each project.

13. Description of the public's participation in planning and preparation of the grant application, and

14. A complete environmental assessment for each project.

Reclamation projects included in application and location:

1. Title: Plymouth Borough, Location: West Luzerne County, Description: Surface subsidence.

2. Title: Baldwin Borough, Location: Allegheny County, Description: Possibility of mine subsidence.

3. Title: Carbondale—phase I, Location: Lackawanna County, Description: Possibility of surface subsidence.

List of Subjects

30 CFR Part 886

Coal mining, Grant programs-natural resources, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 938

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

Dated: July 20, 1982.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 82-20421 Filed 7-27-82; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

42 CFR Part 171

[OPP 40010; FRL 2032-4]

Certification of Pesticide Applicators; Proposed Recordkeeping and Reporting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to impose certain recordkeeping and reporting requirements upon pesticide dealers, as authorized by section 4(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA or the Act). The proposed rule would require persons who make restricted use pesticides available to users to provide a written report to the Agency, certifying that they are maintaining records of the sale or distribution of restricted use pesticides.

DATE: Comments regarding the proposed rule will be accepted up to September 27, 1982.

ADDRESS: Written comments should be submitted to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460.

Comments should bear the identifying notation OPP 40010. The administrative record, including comments, is available for public inspection in Rm. E-107 at the address noted above from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: David K. Hannemann, Environmental Protection Specialist, Office of Pesticides and Toxic Substances Enforcement (TS-788), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. 3624-E, 401 M St., SW., Washington, D.C. 20460; (202-755-9404).

SUPPLEMENTARY INFORMATION:

Background

Section 4(a)(1) of FIFRA, as amended by the Federal Pesticide Act of 1978 (Pub. L. 95-396, 92 Stat. 819, 7 U.S.C. 136b(a)(1)), provides that the Administrator may prescribe by regulation the maintenance of records and submission of reports concerning the commercial application, sale or distribution of restricted use pesticides in States or on Indian Reservations where the Administrator conducts a pesticide applicator certification program. Recordkeeping requirements for commercial applicators in such States were promulgated and may be found at 40 CFR 171.11(c)(7).

Discussion

This proposed amendment requires that persons who sell or distribute restricted use pesticides in those States or on Indian Reservations where the Administrator conducts a certification program must: (1) Submit a report certifying that the records required by the proposed rule are being kept and (2) maintain records of all transactions in which restricted use pesticides are made available for use. At the present time, persons to whom such restricted use pesticides are made available for use must be certified in accordance with regulations at 40 CFR Part 171.

This proposed rule does not apply to transactions between pesticide producers, registrants, wholesalers, and retail sellers which do not involve sale or distribution to persons who will use or supervise the use of the pesticides.

Prior to the 1978 amendments to FIFRA, there were no requirements that records be kept and reports be made concerning the sale and distribution of restricted use pesticides. As a result the Agency has had no comprehensive information identifying dealers who sell or distribute restricted use pesticides. Therefore, the Agency's monitoring of compliance with requirements governing the sale of restricted use pesticides has been limited to those few restricted use pesticide dealers identified in previous inspections.

The reporting requirements contained in this proposed rule will identify all dealers of restricted use pesticides. The Agency will then be able to use this information in establishing its neutral inspection schemes.

The recordkeeping requirement will identify users of restricted use pesticides, and permit the Agency to inspect applicator records that are to be maintained in accordance with the regulations found at 40 CFR Part 171.11(c)(7). These rules will provide an efficient and effective mechanism for the Agency to monitor the sale and distribution of restricted use pesticides and to determine whether such products are sold only to certified applicators.

This amendment adds new paragraphs to 40 CFR 171.2 by defining "restricted use pesticide retail dealer," "make available for use," and "dealership." It adds a new paragraph (g) to 40 CFR 171.11 which requires dealer reporting, recordkeeping, and availability of records and lists potential remedies for failure to comply.

Regulatory Flexibility Act

This proposed rule affects only restricted use pesticide retail dealers in Colorado and Nebraska, at the present time. The approximate number of small businesses affected by the proposed rule is estimated to be 800 [1] in Colorado and 800 [2] in Nebraska.

The Standard Industrial Classification Manual codes (SIC) [3] for businesses possibly affected by this proposed rule are:

50 Wholesale trade—durable goods.
504 Sporting goods, toys and hobby goods.
507 Hardware, plumbing and heating equipment.
5072 Hardware.

[1] Estimate obtained from Region VIII office.

[2] Estimate obtained from Region VII office.

[3] OMB Standard Industrial Classification Manual 1972, revised 1977.

508 Machinery, equipment and supplies.
5081 Commercial machines and equipment.
5083 Farm machinery and equipment.
5085 Industrial supplies.
5086 Professional equipment and supplies.
5087 Service establishment equipment.
51 Wholesale trade—nondurable paper.
512 Drugs, proprietaries and sundries.
514 Groceries and related products.
516 Chemicals and allied products.
519 Miscellaneous nondurable goods.
5191 Farm supplies.
52 Building materials and garden supplies.
521 Lumber and other building materials.
523 Paint, glass and wallpaper stores.
525 Hardware stores.
526 Retail nurseries, lawn and garden supply stores.
53 General merchandise stores.
531 Department stores.
533 Variety stores.
539 Miscellaneous general merchandise stores.
54 Food stores.
541 Grocery stores.
549 Miscellaneous food stores.
553 Auto and home supply stores.
555 Boat dealers.
5719 Miscellaneous home furnishing stores.
59 Miscellaneous retail.
591 Drug stores and proprietary stores.
5941 Sporting goods and bicycle shops.
5999 Miscellaneous retail stores, nec (not elsewhere classified).

The approximate number of businesses, both wholesale and retail, identified by their SIC Manual codes, that could be involved in selling or distributing pesticides are 14,573 in Nebraska and 13,821 in Colorado.[4] Of those businesses selling pesticides, approximately 5.8 percent of the businesses in Colorado and 5.5 percent of the businesses in Nebraska will be affected by this proposed rule because they sell or distribute restricted use pesticides.

The impact of the proposed rule on the businesses it affects will be insignificant. Affected businesses will be required to maintain records and to report the locations where they are maintaining the required records. Retail dealers need submit only one complete report to the appropriate Regional Office(s) when the regulation becomes effective. Thereafter they need only report any changes in locations or status. These dealer reports will provide EPA with information for targeting inspections under a neutral inspection scheme.

Sales records normally retained by the affected businesses are sufficient to meet the requirements of the proposed rule with minor adjustments. Businesses normally retain sales records for five years for income tax purposes; however, the information required by the proposed rule need be retained for only two years. Sales records normally contain the date of the transaction, name of the purchaser, quantity of product purchased and the identification or name of the product sold. The only additional information that the proposed rule requires businesses to keep is: The EPA registration number of the restricted use pesticide; the certification number of the purchaser; the State in which the certification is valid; and the date of expiration of the certification.

The agency considered requiring businesses to maintain records regarding the sale of restricted use pesticides separately. The maintenance of separate records would facilitate their inspection by Agency personnel, thereby reducing the amount of time spent at small businesses. This requirement has been dropped because of the additional costs it might create for small business entities.

Currently many States operating certification programs license dealers and prescribe the type of records to be maintained for sale and distribution of restricted use pesticides. Therefore, the affected businesses in Colorado and Nebraska are not being required to keep records not maintained by those similarly situated in many other States.

Compliance With Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether a rule is a "major" one and therefore subject to the requirement of a regulatory impact analysis. This rule is not major since it affects only restricted use pesticide retail dealers in States or on Indian Reservations where the Agency is conducting a Federal certification program currently Colorado and Nebraska. These affected dealers are being required only to comply with rules similar to those governing restricted use pesticide retail dealers in other States with approved State Certification Plans. This proposed rule will give the Agency authority over restricted use pesticide retail dealers similar to that of most States conducting their own certification programs.

The proposed rule:

(1) Does not have an annual effect on the economy of $100 million or more.

(2) Will not substantially increase costs to consumers, industry, or the government.

(3) Will not have a significant adverse effect on competition, employment, investment, productivity or innovation.

The information collection requirements in this proposed rule will be submitted to the Office of Management and Budget (OMB) for clearance under the Paperwork Reduction Act of 1980. The information requirements or recordkeeping will not take place until the proposed rule has been cleared by OMB. If OMB approves, the information collection requirements will take effect as set forth in this proposed rule. If not, EPA will revise the information requirements to comply with OMB's determination.

This proposed rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 3(d), 4(a)(1), and 25(a)(1), Pub. L. 95-396, 92 Stat. 819 (7 U.S.C. 136a, 136b, 136w))

List of Subjects in 40 CFR Part 171

Pesticides and pests, Intergovernmental relations, Indian lands, Recordkeeping and reporting requirements.

Dated: July 19, 1982.

Anne M. Gorsuch,

Administrator.

PART 171—CERTIFICATION OF PESTICIDE APPLICATORS

Therefore, the Agency proposes to amend Part 171, Subchapter E, Chapter I of 40 CFR as follows:

1. In § 171.2, by redesignating paragraphs (a) through (bb) as paragraph (a) (1) through (28); by redesignating the introductory text of § 171.2 as the introductory text of paragraph (a) and revising it to read as set forth below; and by adding a new paragraph (b) as set forth below.

§ 171.2 Definitions.

(a) *General.* Terms used in this subpart shall have the meanings set forth for such terms in the Act. In addition, the following definitions are applicable to all aspects of the certifiction of pesticide applicator program in this part:

* * * * *

(b) *Limited.* The following definitions apply only to dealers, dealerships and transactions in States or on Indian Reservations where EPA conducts a Federal Pesticide Applicator Certification Program.

(1) The term "restricted use pesticide retail dealer" means any person who

[4] U.S. Department of Commerce, Bureau of the Census, County Business Patterns 1976, Nebraska CBP-76-29 & Colorado CBP-76-7.

makes available for use any restricted use pesticide, or who offers to make available for use any such pesticide.

(2) The term "make available for use" means to distribute, sell, ship, deliver for shipment, or receive and (having so received) deliver, to any person. However, the term excludes transactions solely between persons who are pesticide producers, registrants, wholesalers, or retail sellers, acting only in those capacities.

(3) The term "dealership" means any site owned or operated by a restricted use pesticide retail dealer where any restricted use pesticide is made available for use, or where the dealer offers to make available for use any such pesticide.

2. In § 171.11, paragraph (g) is added to read as follows:

§ 171.11 Federal certification of pesticide applicators in States or on Indian Reservations where there is no approved State or Tribe certification plan in effect.

* * * * *

(g) Pesticide dealer reporting and recordkeeping requirements—Availability of records and failure to comply—(1) Reporting requirements. Each person who is a restricted use pesticide retail dealer shall:

(i) Submit an initial report to EPA which states his name and business address and the name and business address of each of his dealerships. This report shall be submitted to EPA not later than the date the person first becomes a restricted use pesticide retail dealer, or within 60 days of publication of the final rule, whichever date is later;

(ii) Submit revisions to the initial report to EPA reflecting any name changes, additions or deletions of dealerships. Revisions shall be submitted to EPA within 10 days of the occurrence of the change, addition or deletion;

(iii) Send a copy of each report required under paragraph (g)(1) (i) or (ii) of this section to each EPA Regional Office which has jurisdiction over the State in which any of the dealerships is located.

(2) *Recordkeeping requirement.* Each restricted use pesticide retail dealer shall maintain records at each individual dealership of each transaction where a restricted use pesticide was made available for use by that dealership 60 days after publication of the final rule. Each record of a transaction shall be maintained for a period of 24 months after the date of the transaction, and shall include the following information:

(i) Name and address of person(s) to whom the pesticide was made available for use.

(ii) The certification number on the document evidencing that person's certification, the State (or other governmental unit) that issued the document, and the expiration date of the certification.

(iii) The product name, EPA registration number, and the State special local need (24(c)) registration number (if any) on the label of the pesticide.

(iv) The quantity of the pesticide made available for use in the transaction.

(v) The date of the transaction.

(3) *Availability of required records.* Each pesticide dealer shall, upon request of any officer or employee of EPA duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to and copy all such records.

(4) *Failure to comply.* Any person may be subject to civil or criminal sanctions, under section 14 of the Act, or 18 U.S.C. 1001, for failure to comply with the provisions of this rule. Violations include failure to submit or falsification of any report required under this paragraph, failure to maintain or falsification of required records, and making available for use any pesticide classified for restricted use other than in accordance with section 3(d) of the amended FIFRA or rules promulgated thereunder.

[FR Doc. 82-20227 Filed 7-27-82; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-418; RM-4123]

FM Broadcast Station in Luverne, Minnesota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the substitution of Class C Channel 266 for Channel 265A in Luverne, Minnesota, in response to a petition filed by Siouxland Broadcasting, Inc. licensee of FM Station KQAD, Luverne.

DATES: Comments must be filed on or before August 30, 1982, and reply comments 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:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: July 13, 1982.

Released: July 20, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Luverne, Minnesota); BC Docket No. 82-418, RM-4123; notice of proposed rule making.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making filed May 20, 1982, by Siouxland Broadcasting, Inc. ("petitioner"), proposing the substitution of Class C Channel 266 for Channel 265A, and modification of the license for Station KQAD(FM) at Luverne, Minnesota,[1] to specify operation on Channel 266.

2. Luverne, the seat of Rock County, is located in the southwestern corner of Minnesota, approximately 280 kilometers (175 miles) southwest of Minneapolis, Minnesota. A site restriction of approximately 5.2 miles north of Luverne is required due to Station KOXI in Columbus, Nebraska, and unused Channel 265A in Blue Earth, Minnesota. Petitioner proposes a site approximately 15 miles north of the city.

3. In accordance with established policy, we shall propose to modify the license of KQAD (Channel 265A) to specify operation on Channel 266. However, should another party indicate an interest in the Class C assignment, then the modification could not be implemented. See *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976). Instead, an opportunity for the filing of a competing application must be provided.

4. In view of the apparent need for a wide coverage area station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as it pertains to Luverne, Minnesota, as follows:

[1] Petitioner submitted population, preclusion and community data 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, that information is no longer required.

City	Channel No.	
	Present	Proposed
Luverne, Minnesota	265A	266

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before August 30, 1982, and reply comments on or before September 14, 1982, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact 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 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, NW., Washington, D.C.

[FR Doc. 82-20444 Filed 7-27-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-417; RM-4114]

FM Broadcast Station in Osakis, Minn.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 280A to Osakis, Minnesota, in response to a petition filed by Minnesota Christian Broadcasting, Inc. The proposal could provide a first local aural service to the community.

DATES: Comments must be filed on or before August 30, 1982, and reply comments 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:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: July 12, 1982.

Released: July 20, 1982.

1. A petition for rule making was filed April 26, 1982, by Minnesota Christian Broadcasters, Inc. ("petitioner") proposing the assignment of Channel 280A to Osakis, Minnesota, as its first FM assignment. Petitioner stated that it will apply for the channel, if assigned. The channel can be assigned in compliance with the Commission's minimum distance separation requirements.

2. Petitioner submitted information in support of the request for assignment of FM Channel 280A to Osakis, Minnesota.[1]

3. In view of the fact that the proposed assignment could provide a first aural service to Osakis, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to Osakis, Minnesota, as follows:

City	Channel No.	
	Present	Proposed
Osakis, Minnesota		280A

4. Since Osakis, Minnesota, is within 320 kilometers (200 miles) of the U.S.-Canadian border, the proposed assignment requires coordination with the Canadian government.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before August 30, 1982, and reply comments on or before September 14, 1982, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact 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 before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-20426 Filed 7-27-82; 8:45 am]

BILLING CODE 6712-01-M

[1] Petitioner furnished economic, demographic and engineering data demonstrating the need for a first FM assignment to Osakis. 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, this information is no longer required.

Notices

Federal Register
Vol. 47, No. 145
Wednesday, July 28, 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

Office of the Secretary

Forms Under Review by Office of Management and Budget

July 23, 1982

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Richard J. Schrimper, Statistical Clearance Officer, (202) 447–6201.

New

• Food and Nutrition Service
Destination Data Sheet
FNS–7
On occasion
State or local governments: 3,395 responses; 1,698 hours; not applicable under 3504(h)
Barbara Batts, (703) 756–3660.

• Rural Electrification Administration
Statement of Engineering Fee—Telephone
REA Form 506
On occasion
Businesses or other institutions: 150 responses; 300 hours; not applicable under 3504(h)
John Soma, (202) 382–8529.

• Food and Nutrition Service
7 CFR Part 245—Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools: Applications
On occasion and annually
Individuals or households, State or local governments and businesses or other institutions: 10,988,809 responses; 977,468 hours; not applicable under 3504(h)
Chris Lipsey, (703) 756–3600

• Food and Nutrition Service
7 CFR Part 245—Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools: Recordkeeping
On occasion, annually and triennially
State or local governments and businesses or other institutions : 60,840 responses; 15,286 hours; not applicable under 3504(h)
Chris Lipsey, (703) 756–3600

• Food and Nutrition Service
Private Sector Inventory System for Processing USDA Donated Foods
On occasion, monthly and annually
Businesses or other institutions: 51,350 responses; 6,425 hours; not applicable under 3504(h)
Gwena Kay Tibbits, (703) 756–3660.

Revised

• Food and Nutrition Service
7 CFR Part 226—Child Care Food Program Regulations—Reporting FNS–341, 342, 343, 344, 345, 345–1, 430, 431, 432, 433, 82
Monthly and annually
State or local governments and businesses or other institutions: 217,950 responses; 1,348,196 hours; not applicable under 3504(h)
Norma Ball, (703) 756–3888.

Extension

• Animal and Plant Health Inspection Service
7 CFR Part 353—Phytosanitary Export Certification
PPQ 572, 577, 579
On occasion
Individuals, farms, businesses or other institutions: 150,000 responses; 24,000 hours; not applicable under 3504(h)
Leonard Crawford, (202) 436–8537.

• Food and Nutrition Service
Program and Budget Summary Statement
FNS–366–A and FNS–366–B
Quarterly and annually
State or local governments: 270 responses; 9,168 hours; not applicable under 3504(h)
David Rathbun (703) 756–3431.

• Food and Nutrition Service
Shelters for Battered Women and Children
7 CFR Part 273—Recordkeeping
On occasion
State or local governments: 274 responses; 274 hours; not applicable under 3504(h)
David Rathbun (703) 756–3431.

Reinstatement

• Food and Nutrition Service
7 CFR Part 245—Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools: Reporting
On occasion and triennially
State or local governments: 21,182 responses; 5,956 hours; not applicable under 3504(h)
Chris Lipsey (703) 756–3600.

Richard J. Schrimper,
Statistical Clearance Officer.

[FR Doc. 82–20383 Filed 7–27–82; 8:45 am]
BILLING CODE 3410–01–M

COMMISSION ON CIVIL RIGHTS

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 6:00 p.m., on August 24, 1982, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110. The purpose of this meeting will be to discuss the Committee's recent activities and program planning for Fiscal Year 1983.

Persons desiring additional information or planning a presentation to the Committee, should contact the

Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, Post Office Box 95, East Falmouth, Massachusetts, 02536, (617) 548–5123 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4617.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 13, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–20450 Filed 7–27–82; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Toy Balloons (Including Punchballs) and Playballs From Mexico; Postponement of Preliminary Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of Preliminary Countervailing Duty Determination.

SUMMARY: The preliminary determination on toy balloons (including punchballs) and playballs from Mexico is being postponed, and we intend to issue it not later than October 15, 1982.

EFFECTIVE DATE: July 28, 1982.

FOR FURTHER INFORMATION CONTACT: Mary Martin, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230, (202) 377–1279.

SUPPLEMENTARY INFORMATION: On May 26, 1982, we announced our initiation of a countervailing duty investigation to determine whether the government of Mexico is giving its producers, manufacturers, or exporters of toy balloons (including punchballs) and playballs certain benefits that are bounties or grants (47 Fed. Reg. 23798). The notice stated that we would issue a preliminary determination by August 11, 1982.

As detailed in the notice of initiation of the countervailing duty investigation, the petition alleges nine subsidy programs that the government of Mexico provides to producers and exporters of toy balloons (including punchballs) and playballs. We have never investigated six of these programs before. Moreover, the alleged subsidy programs are complex and raise novel issues. We have determined that the Mexican government and the other parties concerned are cooperating and that additional time is necessary to make the preliminary determination. For these reasons we determine that this case is extraordinarily complicated in accordance with section 703(c)(1)(B) of the Tariff Act of 1930, as amended ("the Act"), and we intend to issue a preliminary determination not later than October 15, 1982.

This notice is published pursuant to section 703(c)(2) of the Act.

Gary Horlick,

Deputy Assistant Secretary for Import Administration.

July 21, 1982.

[FR Doc. 82–20458 Filed 7–27–82; 8:45 am]

BILLING CODE 3510–25–M

Initiation of Antidumping Investigation; Industrial Nitrocellulose From France

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping investigation to determine whether industrial nitrocellulose from France is being, or is likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission ("ITC") of this action so that it may determine whether imports of industrial nitrocellulose are materially injuring, or are threatening to materially injure, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before August 16, 1982, and we will make ours on or before December 9, 1982.

EFFECTIVE DATE: July 28, 1982.

FOR FURTHER INFORMATION CONTACT: Stuart Keitz, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–1769.

SUPPLEMENTARY INFORMATION:

Petition

On July 2, 1982, we received a petition filed by counsel on behalf of Hercules Incorporated of Wilmington, Delaware, purported to be the only U.S. manufacturer of industrial nitrocellulose. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports from France of industrial nitrocellulose are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) ("the Act") and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry. The petition further alleges that this product is being sold in France and to third countries at less than the cost of production in the home market.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on industrial nitrocellulose and have found that it meets these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether industrial nitrocellulose from France is being, or is likely to be, sold in the U.S. at less than fair value. If the investigation proceeds normally, we will make our preliminary determination by December 9, 1982.

Scope of the Investigation

The product covered by this investigation is industrial nitrocellulose containing between 10.8% and 12.2% nitrogen. It should not be confused with explosive grade nitrocellulose which contains over 12.2% nitrogen. Industrial nitrocellulose is a dry, white, amorphous synthetic chemical produced by the action of nitric acid on cellulose. The product comes in several viscosities and is used to form films in lacquers, coatings, furniture finishes and printing inks. It is currently classified as cellulosic plastic materials, other than cellulose acetate, under item number 445.2500 of the *Tariff Schedules of the United States Annotated.*

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided that the ITC confirms 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.

Preliminary Determination by ITC

The ITC will determine by August 16, 1982, whether there is a reasonable indication that imports of industrial nitrocellulose from France are materially injuring, or are threatening to materially injure, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, the investigation will proceed according to statutory procedures.

Dated: July 21, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-20459 Filed 7-27-82; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Cancellation of Physical Security From the Scheduled Cost Comparison Reviews of Commercial or Industrial Activities Performed by Government Employees

AGENCY: National Bureau of Standards, Commerce.

ACTION: Cancellation of physical security from the scheduled cost comparison reviews of commercial or industrial activities. Notice is hereby given that the cost comparison review of Physical Security performed by government personnel at the National Bureau of Standards is cancelled. The initial schedule of reviews was published in the **Federal Register** on July 21, 1980 (45 FR 48680). The review schedule was subsequently revised twice and notice of those revisions was published in the **Federal Register** on July 30, 1981 (46 FR 38949) and on October 16, 1981 (46 FR 51006). A notice announcing a postponement of all scheduled cost comparison reviews at the National Bureau of Standards was published in the **Federal Register** on March 8, 1982 (47 FR 9877).

FOR FURTHER INFORMATION CONTACT: Robert S. Johnson, A-76, Coordinator, Office of the Director of Administration, National Bureau of Standards, Washington, D.C. 20234, Telephone: (301) 921-2525.

Dated: July 22, 1982.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 82-20384 Filed 7-27-82; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Notice of Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), 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: Bolt Beranek and Newman, Inc. (P308). b. Address: 10 Moulton Street, Cambridge, Massachuetts 02238.

2. Type of permit: Scientific Research.

3. Name and number of animals: Gray Whale (*Eschrichtius robustus*)—400.

4. Type of Take: Potential harassment while determining behavioral responses of migratory gray whales to simulated OCS oil and gas exploratory and development noises, including exploratory drilling and/or production activity and helicopter overflights.

5. Location of activity: Yankee Point, near Monterey, California and/or Point Piedras Blancas, near San Simeon, California.

6. Period of Activity: 6 months.

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 27, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-20432 Filed 7-27-82; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Levels for Certain Cotton Apparel Products from India

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the consultation levels for women's, girls', and infants' cotton coats in Category 335 and cotton skirts in Category 342, produced or manufactured in India and exported during the agreement year which began on January 1, 1982, from 29,056 to 35,000 dozen for Category 335 and from 84,270 to 98,315 dozen for Category 342. In both instances only merchandise visaed with the circular visa stamp is affected.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654).)

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, the consultation levels established for apparel products in Categories 335 and 342 are being increased at the request of the Government of India to 35,000 dozen and 98,315 dozen, respectively, for the agreement year which began on January 1, 1982 and extends through December 31, 1982.

EFFECTIVE DATE: July 22, 1982.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 18, 1981, there was published

in the **Federal Register** (46 FR 61685) a letter dated December 15, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, including Categories 335 and 342, produced or manufactured in India, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. In the letter published below, in accordance with the terms of the bilateral agreement and at the request of the Government of India, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the twelve-month levels previously established for Categories 335 and 342 to the designated amounts.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

July 22, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 15, 1981 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in India.

Effective on July 22, 1982, paragraph 1 of the directive of December 15, 1981, as amended, is further amended to increase the levels of restraint for cotton textile products in Categories 335 and 342 to the following:

Category	Amended 12-mo. level of restraint [1]
335 (visaed)	35,000 dozen.
342 (visaed)	98,315 dozen.

[1] The levels of restraint have not been adjusted to account for any imports after Dec. 31, 1981.

The actions taken with respect to the Government of India and with respect to imports of cotton textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such action, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-20462 Filed 7-27-82; 8:45 am]

BILLING CODE 3510-25-M

Reducing the Level of Restraint for Certain Wool Textile Products Produced or Manufactured in the Polish People's Republic

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing to 7,003 dozen the 1982 level of restraint established for men's and boys' wool suit-type coats in Category 433, produced or manufactured in Poland, to account for 233 dozen in carryforward used during 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654)).

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 15, 1980 and March 20, 1981 between the Governments of the United States and the Polish People's Republic provides, among other things, for the borrowing of yardage in certain categories from the following year's level (carryforward) with the amount used to be deducted from that level in the following agreement year. Pursuant to the terms of the bilateral agreement, the import restraint level for wool textile products in Category 433 is being reduced by 233 dozen to 7,003 dozen for the agreement year which began on January 1, 1982 to account for carryforward used during 1981.

EFFECTIVE DATE: July 28, 1982.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 18, 1981, a letter dated December 14, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements was published in the **Federal Register** (46 FR 61691) which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, including Category 433, produced or manufactured in the Polish People's Republic and exported to the United States during the twelve-month period which began on January 1, 1982. In accordance with the terms of the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements is directing the Commissioner of Customs, in the letter published below, to reduce the level of restraint established for Category 433 during 1982 to 7,003 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

July 22, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 14, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in certain specified categories, produced or manufactured in the Polish People's Republic, and exported during the twelve-month period which began on January 1, 1982.

Effective on July 28, 1982, paragraph 2 of the directive of December 14, 1981 is amended to include a reduced level of restraint for wool textile products in Category 433 of 7,003 dozen.[1]

The action taken with respect to the Government of the Polish People's Republic and with respect to imports of wool textile products from Poland has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in **Federal Register.**

Sincerely,

Paul T. O'Day

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-20463 Filed 7-27-82; 8:45 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

Performance Review Board; Senior Executive Service; Appointment of Members

The purpose of this notice is to publish the names of the members of the Performance Review Board of the

[1] The level of restraint has not been adjusted to account for any imports after December 31, 1981.

Consumer Product Safety Commission, effective July 13, 1982. The members are as follows:

(1) Martin Howard Katz, Chairman (unlimited membership term) (alternate designee, Margaret A. Freeston);

(2) Catherine C. Cook (unlimited membership term);

(3) K. Kirke Harper (unlimited membership term);

(4) Kenneth R. Rashid (membership term expires July 1985);

(5) Bert G. Simson (membership term expires July 1983) (alternate designee Peter W. Preuss); and

(6) Edwin F. Tinsworth (membership term expires July 1984).

Dated: July 22, 1982.

Sadye E. Dunn,

Secretary Consumer Product Safety Commission.

[FR Doc. 82-20445 Filed 7-27-82; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Anti-Tactical Missiles (ATM); Advisory Committee Meeting

The Defense Science Board Task Force on Anti-Tactical Missiles (ATM) will meet in closed session on 19–20 August 1982 in Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on 19–20 August 1982 the Task Force will review the studies and analyses that have been performed to determine ATM system requirements and solutions and will review recent advances in applicable technology.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

July 21, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 82-20385 Filed 7-27-82; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Closely Spaced Basing for M-X; Advisory Committee Meeting

The Defense Science Board Task Force on Closely Spaced Basing for M-X will meet in closed session on 17–19 August 1982 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on 17–19 August 1982, the Task Force on Closely Spaced Basing for M-X will evaluate the closely spaced basing mode theory, design, and interaction with various types and levels of threat.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, 1976), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that, accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense

July 23, 1982.

[FR Doc. 82-20386 Filed 7-27-82; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following request for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This request contains: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information are to be forwarded; and (8) The point of contact from whom a copy of the request may be obtained.

New

Spouse's Attitudes Toward the Guard and Reserve.—A spouse's attitude is one of the most important considerations in the reenlistment decision of Guard and Reserve members. Telephone interviews of spouses of members of units being studied in a current project will provide information on their knowledge of and attitude toward unit programs and service benefits. This will assist in developing initiatives to promote favorable attitudes.

Spouses of Guard and Reserve members; 100 responses; 61 burden hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mr. John Wenderoth, DoD Clearance Officer, OASD(C) IRMS, IRAD, Room 1A658, Pentagon, Washington, DC 20301, telephone (202) 697–1195.

A copy of the request may be obtained from Mr. Robert L. Newhard, OASD MRA&L (P), Room 3C800, Pentagon, Washington, DC 20301, (202) 695–0643.

M. S. Healy,

OSD Federal Register Liaison Officer Department of Defense.

July 23, 1982.

[FR Doc. 82-20387 Filed 7-27-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Mountain Fuel Supply Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Mountain Fuel Supply Company (Mountain Fuel) of Salt Lake City, Utah. This Proposed Remedial Order charges Mountain Fuel with pricing violations in the amount of $468,849.16 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time periods September 1, 1973 through December 31, 1974 and January 1, 1975 through December 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Deputy Director, Crude and NGL Audit & Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7401. On or before August 12, 1982, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th & Pennsylvania Ave., N.W., Room 3426, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 15th day of July, 1982.

James A. Martin,

Deputy Director, Crude and NGL Audit & Litigation Support Group, Economic Regulatory Administration.

[FR Doc. 82-20466 Filed 7-27-82; 8:45 am]

BILLING CODE 6450-01-M

Union Texas Petroleum Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Union Texas Petroleum Corporation and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by: August 27, 1982.

ADDRESS: Send comments to: Donald A. Muncy, Deputy Chief Counsel, Dallas ERA Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Suite 201-W, Dallas, Texas 75247.

FOR FURTHER INFORMATION CONTACT: Donald A. Muncy, Deputy Chief Counsel, Dallas ERA Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Suite 201-W, Dallas, Texas 75247, 214/767-7561. (Copies of the Consent Order may be obtained free of charge by writing or calling this office.)

SUPPLEMENTARY INFORMATION: On July 9, 1982, the ERA executed a proposed Consent Order with Union Texas Petroleum Corporation of Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the Federal Register, requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Union Texas Petroleum Corporation, with its home office located in Houston, Texas, is a firm engaged in the production, importation, refuning and sale of crude oil and covered petroleum products as well as other petroleum related activities, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, 212, in connection with UTP's transactions involving petroleum products during the period January 1, 1973 through January 28, 1981 ("the period covered by this Consent Order"), the ERA and Union Texas Petroleum Corporation entered into a Consent Order, the significant terms of which are as follows:

A. This Consent Order is intended by the signatories to settle the civil issues between DOE and the Consenting Firm relating to the Consenting Firm's compliance with the Federal petroleum price and allocation regulations during the period from January 1, 1973 through January 28, 1981.

B. ERA has conducted a thorough audit to determine Union Texas Petroleum's (UTP) compliance during the period covered by this Consent Order with the Federal petroleum price and allocation statutes, regulations and requirements. ERA and UTP disagree in several respects concerning the proper application of such Federal petroleum price and allocation statutes, regulations and requirements to UTP's activities during the settlement period. UTP and ERA each believe that their respective positions on the legal issues underlying such disagreements are meritorious. Neither UTP nor ERA disallows any position it has taken with respect to such legal issues.

C. Notwithstanding the above, UTP maintains that it has calculated all of its costs, determined all of its prices, and operated in all other respects in accordance with all applicable statutes, regulations and other requirements. Execution of the Consent Order constitutes neither an admission by the company nor a finding by ERA of any violation by the company of any statute or regulation.

II. Refunds

A. *Disposition of Refunds.* Prior to the date of this Consent Order, UTP has refunded approximately $3.4 million to either purchasers of UTP's products or into a special escrow account. Under this Consent Order, Union Texas Petroleum Corporation will pay the sum of $1,900,000.00 to the DOE. The DOE will hold the funds in an interest bearing escrow account pending a determination of the disposition of the funds. Payment is to be made 30 days following the effective date of the Consent Order and if payment is not made within the specified period of time, UTP agrees to pay installment interest on the unpaid balance. Upon full satisfaction of the terms and conditions of this Consent Order by Union Texas Petroleum Corporation, the DOE releases Union Texas Petroleum Corporation from any civil claims that the DOE may have arising out of the specified transactions during the period covered by the Consent Order.

The foregoing provisions for payment of the refund amount were concurred in after ERA attempted to determine and identify all injured parties. These attempts were unsuccessful due to the nature of the business transactions in which UTP was engaged during the settlement period. UTP's activities were of such a nature so as to make it impossible to identfy specific parties who or which may have been injured.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on Union Texas Petroleum Corporation Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, on August 27, 1982. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 9th day of July, 1982.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 82-20468 Filed 7-27-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4421-003]

A & B Power, Inc.; Surrender of Preliminary Permit

July 26, 1982.

Take notice that A & B Power, Inc., Permittee for the proposed Willow Creek Water Power Project No. 4421, has requested that its preliminary permit be terminated. The preliminary permit was issued on August 28, 1981, and would have expired on July 31, 1983. The project would have been located on

Willow Creek in Humboldt County, California. The Permittee is in the process of dissolution and will no longer pursue this project.

The Permittee filed its request on June 28, 1982, and the surrender of the preliminary permit for Project No. 4421 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20298 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-652-000]

Alabama Power Co.; Tariff Change

July 20, 1982.

The filing Company submits the following:

Take notice that Alabama Power Company on July 9, 1982, tendered for filing proposed changes in its FERC Electric Tariff, Original Volume No. 1. The proposed changes to the Company's Tariff reflect its providing service to two existing delivery points pursuant to that Tariff rather than pursuant to individual contract.

The Company states that terminating the individual contract with these delivery points and providing service under the Tariff will enable it to serve all of its jurisdictional customers pursuant to uniform terms and conditions. The Company further states that the applicable rates and charges under the individual contract are the same as those under the Tariff, and therefore this revision does not constitute a rate change for these delivery points.

Copies of the filing were served upon The Utilities Board of the City of Foley, which is the only affected jurisdictional customer.

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 3, 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. 82-20340 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6488-000]

Alternate Energy Resources, Inc.; Application for Preliminary Permit

July 26, 1982.

Take notice that Alternate Energy Resources, Inc. (Applicant) filed on July 6, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6488 to be known as the Big Mosquito Creek Hydroelectric Project located on Big Mosquito Creek in Tahoe National Forest in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dale L. R. Lucas, President, Alternate Energy Resources, Inc., 36600 Orange Grove Avenue, Madera, California 93637.

Project Description—The proposed project would consist of: (1) A 5-foot-high diversion structure; (2) a 16-inch-diameter, 1,760-foot-long diversion conduit; (3) a 12-inch-diameter, 5,600-foot-long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 765 kW; and (5) appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service, and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be between $30,000 and $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before, October 4, 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 October 4, 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 December 3, 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 October 4, 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. 82-20326 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-174-000]

ARCO Solar, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 21, 1982.

On July 12, 1982, ARCO Solar, Inc., 20554 Plummer St., Chatsworth, California 91311, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The small power production facility will be located in San Diego, California. The primary energy source will be solar energy captured in a photovoltaic facility. The facility will use no gas, coal or oil. The electric power production capacity of the facility will be 17.6 kilowatts. There are no other small power production facilities owned by the Applicant using solar energy as the primary energy source which are located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before August 27, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20352 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-659-000]

Arizona Public Service Co., Filing

July 21, 1982.

The filing Company submits the following:

Take notice that Arizona Public Service Company (APS) on July 14, 1982, tendered for filing Supplement No. 2 to the Power Coordination Agreement between the Tucson Electric Power Company (formerly Tucson Gas, Electric Light and Power Company) (TG&E) and APS dated April 16, 1981.

The effective date of this Supplement is requested to be 60 days from date of filing.

A copy of this filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20353 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6457-000]

Kent L. Brown; Application for Preliminary Permit

July 23, 1982.

Take notice that Mr. Kent L. Brown (Applicant) filed on June 23, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6457 to be known as the Lamoille Power Project located on the Lamoille Creek in Elko County, Nevada. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Kent L. Brown, Box 1144, Lamoille, Nevada 89828.

Project Description—The proposed project would consist of the following new facilities: (1) A diversion structure; (2) a 30-inch diameter steel penstock 13,100 feet long; (3) a powerhouse with an installed capacity of 1,600 kW; (4) a 2.3-mile-long transmission line; and (5) other appurtenances. Applicant estimates average annual generation would be 6,200,000 kWh. Project energy would be sold to the Sierra Pacific grid system.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before October 4, 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 October 4, 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 December 3, 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 October 4, 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. 82-20327 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6438-000]

Carolina Hydro-Electric and Power Co.; Application for Preliminary Permit

July 22, 1982.

Take notice that Carolina Hydro-Electric and Power Company (Applicant) filed on June 16, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6438 to be known as the Little River Dam Hydroelectric Project located on the Upper Little River near Hickory in Alexander and Caldwell Counties, North Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John G. Converse, Carolina Hydro-Electric and Power Company, 3000 Hickory Road, Raleigh, North Carolina 27604.

Project Description—The proposed project would consist of: (1) An existing Duke Power Company 300-foot long, 35-foot high concrete/earthen dam; (2) existing 150-acre reservoir with a storage capacity of 3,200 acre-feet; (3) an existing powerhouse containing a 500 kW generator driven by a 170 hp turbine; (4) a proposed 12 kV 100-foot long primary transmission line to connect to an existing Duke Power Company line; and, (5) appurtenant facilities. The Applicant estimates the average annual energy output to be 710,000 kWh. Energy produced at the project would be sold to Duke Power Company.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $1,500.00

Competing applications—This application was filed as a competing application to Bruce J. Massey's application for Project No. 6095 filed on March 15, 1982. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or § 4./101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of 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 August 26, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20311 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-456-002]

Cincinnati Gas & Electric Co., Compliance Filing

July 21, 1982.

The filing Company submits the following:

Take notice that on July 12, 1982, Cincinnati Gas & Electric Company filed revised rates and a revised cost of service pursuant to the Commission's order of June 11, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before August 5, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20354 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-146-004]

Commonwealth Edison Co.; Order Clarifying Prior Order and Denying Rehearing

Issued: July 23, 1982.

On May 18, 1982, the Village of Winnetka, Illinois (Winnetka), filed an application for rehearing and petition for clarification of the Commission's order entered May 10, 1982, in this docket. In that order the Commission, *inter alia*, directed Commonwealth Edison Company (Commonwealth) to substitute projected 1982 summer peaks in lieu of actual 1981 summer peaks when applying the demand ratchet included in its partial requirements tariff; in all other respects the Commission denied Winnetka's application for rehearing of the Commission's suspension order of February 5, 1982.[1] Winnetka seeks clarification of the May 10, 1982 order as to whether the Commission ruled on the village's motion for summary exclusion of Commonwealth's partial requirements demand ratchet. In the event that the Commission denied its motion, Winnetka renews its request.[2] Winnetka seeks clarification of the May 10, 1982 order in several other respects as well.

On June 17, 1982, the Commission granted Winnetka's application for rehearing for the limited purpose of further consideration.

Although our order of May 10 did not expressly deny Winnetka's motion to exclude the demand ratchet from Commonwealth partial requirements tariff, we believe it is clear from that order that, by permitting the company to maintain the ratchet in its tariff but requiring substitution of projected test year summer peaks for actual 1981 summer peaks, we were effectively denying the motion to summarily exclude the ratchet entirely from the company's rate schedules. Further, we stated in our May 10 order that we found "no basis upon which to summarily reject Commonwealth's proposed ratchet provision at [that] time." To avoid any possible confusion, however, we shall clarify our order of May 10, 1982.

In support of its application for rehearing of the Commission's denial of its motion for summary disposition, Winnetka contends that the Commission's order of May 10, 1982: (1) Retroactively increases the rates which it must pay to Commonwealth; (2) violates the filed rate doctrine; (3) constitutes an improper attempt by the Commission to remedy the company's defective filing; and (4) is unprecedented in that it departs from the concept of billing on the basis of actual use.

Our order on rehearing directed Commonwealth to substitute its projected 1982 summer peaks for the 1981 summer peaks in determining the monthly billing demand and then to apply its originally proposed demand charge to the billing demand thus determined. Under Commonwealth's proposed partial requirements tariff, ratcheted billing demands are based on the peak demands established during the four summer months (June, July, August, and September) in the 12 months ending with the billing month. Therefore, Commonwealth is required by the Commission's order on rehearing to substitute, for billing demand purposes, the projected peak demands for the months of June, July, August, and September, 1982, for the actual demands during the corresponding months of 1981. The ratchet provision would then operate in the manner proposed by Commonwealth; that is, a customer's billing demand for any given month would be based on the demands during the summer months which fall within the 12 months ending with the billing month. For example, the billing demand for the month of May, 1982, would be determined based on the billing demands for the four summer months during the year ending May, 1982. Since those months would be June–September, 1981, Commonwealth would use the substituted demands (test period projected demands) for this period in accordance with the Commission's order. Similarly, the billing demand for the month of August, 1982, would be based on the demand during September, 1981 (for which a test period projected demand has been substituted) and the actual demands for June, July, and August, 1982.

In directing Commonwealth to substitute projected 1982 summer peaks for actual 1981 summer peaks, we did not intend that Commonwealth could substitute projected demands that would produce revenues higher than those originally proposed. Our approach was designed primarily to remedy a problem, acknowledged by Commonwealth, where application of the company's proposed ratchet would collect excessive revenues from the City of Rochelle. Correction of that problem, in the absence of a further rate filing, could not justify higher charges in Winnetka than the company initially proposed to collect.

In the supplement to its petition for clarification filed on June 10, 1982, Winnetka alleges that Commonwealth has recomputed its bills for service incurred on and after February 9, 1982. To the extent that the company has actually collected higher amounts as a result of our May 10 order, we shall direct Commonwealth to make appropriate refunds.

Accordingly, while we shall clarify our order of May 10, 1982, we shall deny Winnetka's application for rehearing.[3] We reiterate, as we stated in our order of May 10, 1982, that our decision is without prejudice to a final Commission determination concerning the inclusion of a demand ratchet in the partial requirements tariff following a hearing.

The Commission orders:

(A) Ordering paragraph (B) of the Commission's order entered May 10, 1982, in this docket is revised as follows:

Winnetka's motion for summary disposition is hereby denied.

(B) Ordering paragraph (C) of the Commissioner's order entered May 10, 1982, in this docket is revised as follows:

For billing purposes Commonwealth is hereby ordered to apply its originally proposed demand charge to actual billing demand. When the proposed ratchet is applicable, billing demand is to be determined by substituting the projected 1982 test year summer peaks for actual 1981 summer peaks for any billing month in which the ratchet would otherwise reflect 1981 peak demands. This requirement shall apply as of the date on which the rates filed in this proceeding became effective, subject to refund; *provided,* that Commonwealth shall not utilize billing determinants which exceed actual 1981 summer peak demands unless those determinants are derived from actual peaks established in the 1982 summer months. Within thirty (30) days of the date of this order, Commonwealth shall refund, with appropriate interest, all additional amounts collected for service rendered on or after February 9, 1982, which are in excess of charges which would be computed in accordance with this paragraph. Within fifteen (15) days after refunds have been made, Commonwealth shall file a refund compliance report.

(C) Ordering paragraph (C) of the order entered May 10, 1982, in this proceeding is redesignated as ordering paragraph (D).

(D) Within thirty (30) days of the date of this order, Commonwealth shall submit revised tariff sheets reflecting

[1] In that order, the Commission accepted Commonwealth's proposed increase in wholesale rates for filing, suspended the rates for one day, and ordered a hearing.

[2] On June 10, 1982, Winnetka filed a supplement to its petition for clarification and rehearing requesting expeditious action on its pleading of May 10, 1982.

[3] Our order preventing Commonwealth from utilizing billing determinants in excess of actual 1981 summer peaks moots Winnetka's claim that our order of May 10, 1982, departs from the principle of billing customers on the basis of actual use.

the substitution of projected 1982 test year summer peaks in lieu of 1981 summer peaks, as ordered in paragraph (B) above.

(E) Winnetka's petition for rehearing and clarification is, except as indicated herein, denied.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20328 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-381-000]

Consolidated Gas Supply Corp.; Application

July 20, 1982.

Take notice that on June 23, 1982, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP82-381-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas for resale to Algonquin Gas Tranmission Company, Bay State Gas company, The Brooklyn Union Gas Company, Central Hudson Gas and Electric Corporation, Long Island Lighting Company, Philadelphia Electric Company, Philadelphia Gas Works, Public Service Electric and Gas Company, and United Cities Gas Company (referred to as buyers), and the rendition of a related limited-term storage service to Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an agreement dated June 14, 1982, Applicant proposes to sell natural gas to each buyer for injection into storage as follows:

Buyer	Maximum dekatherm (dt) equivalent	Minimum dekatherm (dt) equivalent
1. Algonquin Gas Transmission Co.	4,510,371	3,003,907
2. Bay State Gas Company	1,622,660	1,622,660
3. Brooklyn Union Gas Company	746,544	497,198
4. Central Hudson Gas & Electric Corp.	62,212	41,433
5. Long Island Lighting Company	1,244,240	828,664
6. Philadelphia Electric Company	777,650	517,915
7. Philadelphia Gas Works	1,866,360	1,242,996
8. Public Service Electric & Gas Co.	4,354,841	2,900,324
9. United Cities Gas Company	124,424	82,866
Total	15,309,302	10,737,963

It is stated that under this sale, buyers would pay Applicant in accordance with the rate specified in Applicant's Rate Schedule E, FERC Gas Tariff which rate is currently $3.7992 per dekatherm (dt) equivalent. It is contemplated that such gas would be injected into storage by each of the buyers and would be withdrawn during the 1982-83 winter heating season to be used to satisfy the buyers' high-priority winter requirements.

Applicant has further agreed to render a best-effort storage service to Texas Eastern to enable Texas Eastern to store such natural gas for its customers. It stated that deliveries of gas by Texas Eastern to Applicant and by Applicant to Texas Eastern would be made at existing interconnections between their pipeline facilities.

Applicant asserts that Article III of each sales agreement except the sales agreement between Applicant and Bay State Gas Company also provides for the sale and purchase of natural gas. It is asserted that each buyer would be able to purchase, at any time and from time to time between January 1, 1983, and April 15, 1983, additional natual gas in varying daily quantities up to the following totals:

Buyer	Quantity dt equivalent
1. Algonquin Gas Transmission Co.	2,689,629
2. Brooklyn Union Gas Company	453,456
3. Central Hudson Gas & Electric Corp.	)
4. Long Island Lighting Company	755,760
5. Philadelphia Electric Company	222,350
6. Philadelphia Gas Works	833,640
7. Public Service Electric & Gas Co.	2,645,159
8. United Cities Gas Company	0
Total	7,599,994

Applicant states that the rate proposed to be charged for natural gas under Article III is the rate specified in Applicant's Rate Schedule GSS and applicable to excess deliveries—not from buyer balance, which rate is currently $3.9218 per dt equivalent.

It is also proposed pursuant to a storage service agreement between Applicant and Texas Eastern that Applicant render on a best-efforts basis storage service for Texas Eastern under and in accordance with Applicant's Rate Schedule GSS. It is asserted that the storage service would consist of a storage capacity quantity of 15,000,000 dt equivalent and a storage demand quantity of up to 150,000 dt equivalent per day or such greater quantity as Applicant may be able to deliver and Texas Eastern may be able to accept. It is further asserted that Texas Eastern and its customers would schedule their withdrawals of natural gas from storage such that on and after January 1, 1983, Texas Eastern's storage gas balance would not exceed 10,000,000 dt equivalent.

It is asserted that the proposed gas supplies to be sold to the buyers would assist them in meeting the daily requirements of their present customers and that the proposed quantities are surplus to the needs of Applicant's customers. It is further asserted that the proposed storage service would provide additional winter deliverability for serving essential market requirements of the resale customers of Texas Eastern.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 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. 82-20355 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-400-000]

Consolidated Gas Supply Corp.; Application

July 22, 1982.

Take notice that on July 2, 1982, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP82-400-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to New Jersey Natural Gas Company (NJN), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to sell up to a total of 308,762 dekatherms (dt) equivalent of natural gas to NJN in varying daily quantities during the period January 1, 1983, through April 15, 1983. Such sales, it is stated, would occur only if Applicant determines that sufficient natural gas is available to make deliveries to NJN on any given day and that any such deliveries would not jeopardize Applicant's ability to meet the market requirements of its regular firm customers including storage requirements.

Applicant states that it would charge NJN the rate specified in its Rate Schedule GSS and applicable to "Excess Deliveries—Not From Buyer's Balance". That rate is currently $3.9218 per dt equivalent.

Pursuant to a limited-term surplus gas sales agreement dated June 22, 1982, Applicant proposes to deliver the gas for NJN's account to Texas Eastern Transmission Corporation (Texas Eastern) at one or more mutually agreeable points of interconnection between Applicant's and Texas Eastern's facilities in Texas Eastern's Rate Zone C. It is indicated that deliveries may also be effected by transferral of title to such gas in place within Applicant's storage facilities.

Applicant states that no new facilities need to be constructed in order to make the proposed sales. It is also stated that the source of the gas proposed to be sold is Applicant's general system supply and that Applicant is able to make these sales without impairing service to its existing customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 12, 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. 82-20312 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-64-000]

Consumers Power Co.; Notice of Application

July 21, 1982.

Take notice that on July 9, 1982, Consumers Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to enter into a one-year extension of the Construction Financing Agreement, with Oakway IV, Inc., for the purpose of financing on an interim basis, costs related to the acquisition and/or construction of certain items of property. Oakway will enter into a short-term note Revolving Credit Agreement in the amount of not more than $200,000,000 with certain banks in order to finance advances to Consumers Power Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 5, 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 and 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20356 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-34-000]

Distrigas of Massachusetts Corp.; Informal Settlement Conference

July 20, 1982.

Take notice that an informal statement conference in the above-captioned docket on the issue of rate of return will commence at 10:00 a.m., on August 4, 1982. The conference will be held at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend but if such persons have not previously been permitted to intervene 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. 82-20341 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6482-000]

Elements Power Co.; Application for Preliminary Permit

July 23, 1982.

Take notice that The Elements Power Company (Applicant) filed on July 6, 1982 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6482 to be known as the Megunticook Project located on Megunticook Lake in the town of Camden, Knox County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the

Applicant should be directed to: Mr. Lawrence A. Gamble, 35 Western Avenue, Hampden, Maine 04444.

Project Description—The proposed project would consist of: (1) an existing dam in two sections, separated by a 100-foot strip of land, the north section being 12-feet high and 50-feet long and the south section being 12-feet high and 35-feet long; (2) a 1,220-acre reservoir at elevation 139 feet M.S.L. with no usable storage; (3) a new powerhouse located immediately below the north section with turbine-generators with a total rated capacity 100-kW; (4) a 200-foot-long transmission line; and (5) appurtenant facilities. The project would generate up to 500,000 kWh annually. The project property is owned by Knox Woolen Mill of Camden, Maine.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be up to $3,150.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 8, 1982, the competing application itself [see: 18 CFR § 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before October 7, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 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. 82-20329 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-33-000]

El Paso Natural Gas Co.; Informal Settlement Conference

July 21, 1982.

Take notice that an informal settlement conference in the above-captioned docket will be convened at 9:30 a.m. on August 19, 1982, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in a Commission meeting room to be announced.

Customers and other interested persons will be permitted to attend but if such persons have not previously been permitted to intervene 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. 82-20357 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-388-000]

Florida Gas Transmission Co.; Application

July 22, 1982.

Take notice that on June 23, 1982, Florida Gas Transmission Company, (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP82-388-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authority the transportation of natural gas on behalf of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) all as more fully set forth in the application which is on file with the Commission and open to inspection.

Applicant proposes pursuant to a transportation agreement with Tennessee dated April 5, 1982, to transport for Tennessee up to 2 billion Btu of gas per day from the Jay Field area, Santa Rosa County, Florida, to either of the existing authorized points in interconnection between Applicant's Tennessee's facilities in Starr County, Texas. It is explained that Tennessee has contracted to purchase certain supplies of gas to be produced from the Jay Field area.

Applicant asserts that Tennessee would pay Applicant a facility share of 12.1 cents per million Btu delivered plus a service charge of 1.0 cents per million Btu delivered.

Any person desiring to be heard or to make any protests with reference to said application should on or before August 12, 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 protestants parties to the proceeding. Any persons 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 motion 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 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. 82-20299 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-655-000]

Florida Power & Light Co.; Filing

July 21, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on July 12, 1982, tendered for filing an amendment to Contract executed by both parties entitled "Amendment Number One to Contract for Interchange Service Between Florida Power & Light Company and Jacksonville Electric Authority".

FPL states that pursuant to the Amendment, FPL and Jacksonville Electric Authority (JEA) will establish a second 230kV circuit between JEA's Normandy Substation and FPL's Duval Substation. In addition, this Amendment will establish a 500kV interconnection comprised of two 500 kV circuits, jointly owned by FPL and JEA, connecting the 500kV section of FPL's Duval's Substation with Georgia Power Company. FPL states that the proposed Amendment will have no effect on sales, services or revenues.

FPL respectfully requests waiver of the Commission's Regulations to the extent necessary to permit the proposed Amendment to become effective as of April 15, 1982. In the event such waiver is denied, FPL requests that the Amendment be placed into effect no later than sixty days after the date of filing. According to FPL, a copy of this filing was served upon the Jacksonville Electric Authority.

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, DC 20426, in accordance with C.F.R. Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 Section 1.8, 1.10). All such petitions or protests should be filed on or before August 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20358 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-653-000]

Florida Power & Light Co.; Filing

July 20, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on July 9, 1982, tendered for filing documents entitled Amendment Number Seven to Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and Lake Worth Utilities Authority.

Amendment Number Seven updates the rates for transmission service provided by FPL, bringing them in accord with the increased rates filed by the Commission on July 1, 1981, in Florida Power & Light Company, Docket No. ER81-588-000.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Amendment be made effective immediately. FPL states that copies of the filing were served on the Director of Utilities, Lake Worth Utilities Authority.

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 August 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20342 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-657-000]

Florida Power & Light Co.; Filing

July 21, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on July 12, 1982, tendered for filing a contract executed by both parties entitled "Contract for Interchange Service Between Florida Power & Light Company and Fort Pierce Utilities Authority." FPL states that this Contract supersedes the existing contract which is on file with the Commission, designated as FPL Rate Schedule FPC No. 19, as supplemented.

FPL respectfully requests that the proposed Contract be made effective no later than 60 days from the date of filing. According to FPL, a copy of this filing was served upon the Fort Pierce Utilities Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 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 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20343 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER81-730-000 and ER81-731-000

Georgia Power Co.; Refund Report

July 21, 1982.

The filing Company submits the following:

Take notice that on July 12, 1982, Georgia Power Company filed a refund report pursuant to the Commission's order issued June 18, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before August 5, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20359 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6430-000]

Clifford W. Holman; Application for Preliminary Permit

July 26, 1982.

Take notice that Clifford W. Holman, (Applicant) filed on June 15, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6430 to be known as the Holman Hydro 2 Project located on Unnamed tributary of Rock Creek partially within Gifford Pinchot National Forest, in Clark County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Clifford W. Holman, 27700 N.E. 132nd Avenue, Battle Ground, Washington 98604.

Project Description—The proposed project would consist of: (1) a 6-foot-high diversion structure; (2) a 12-inch-diameter, 3,500-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 60 kW; and (4) appurtenant facilities. The Applicant estimates a 300,000 kWh average annual energy production.

Proposed Scope of Studies under Permit.—A permit, if issued, does not authorize construction. Applicant has requested a 36-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 $5,100. Power would be sold to Clark County P.U.D.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before October 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 October 4, 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 December 3, 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 October 4, 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 82-20300 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6446-000]

Clifford W. Holman; Application for Preliminary Permit

July 26, 1982.

Take notice that Clifford W. Holman (Applicant) filed on June 18, 1982 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6446 to be known as the Holman Hydro-3 Project located on Johnson Creek within Gifford Pinchot National Forest in Cowlitz County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Clifford W. Holman, 27700 N.E. 132nd Avenue, Battle Ground, Washington 98604.

Project Description—The proposed project would consist of: (1) a 6-foot-high diversion structure; (2) two 12-inch-diameter, 7,500-foot-long penstocks; (3) a powerhouse containing a generating unit with a rated capacity of 175 kW; (4) appurtenant facilities. The Applicant estimates a 1,000,000 kWh average annual energy production.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-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 environemental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $8,200. Power would be sold to Cowlitz County P.U.D.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before October 4, 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 October 4, 1982, and should specify the type of application forthcoming. Any application for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

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 December 3, 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 and 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 October 4, 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, served competing application, or petition to intervene must also be upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-20301 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6366-000]

Hudson River-Black River Regulating District Board; Application for Preliminary Permit

July 26, 1982.

Take notice that Hudson River-Black River Regulating District Board (Applicant) filed on May 24, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6366 to be known as the Indian Lake Project located on Indian River in Hamilton County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Edwin B. Haverley, Chairman, Hudson River-Black River Regulating District Board, 90 State Street, Albany, New York 12207.

Project Description—The proposed project would consist of: (1) An existing 550-foot-long, 47-foot-high, earthfill and masonry gravity dam owned by the Indian River Company; (2) an existing reservior with a surface area of 5,056 acres and a usable capacity of 100,000 acre-feet at normal surface elevation of 1,652 feet m.s.l.; (3) a proposed 45-foot by 30-foot powerhouse containing 2 turbine/generator units operating under an average net head of 32 feet and having a total installed capacity of 1,650 kW; (4) a proposed 30-foot-wide by 60-foot-long tailrace; (5) repair and improvements to an existing 18,230-foot-long transmission line from the dam to the Town of Indian Lake; and (6) appurtenant facilities. Average annual generation of 6,300,000 kWh would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $96,000.

Competing Applications—This application was filed as a competing application to Long Lake Energy Corporation's application for Project No. 5827 filed on December 28, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of 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 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB, at the above address. A copy of any notice of 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. 82-20302 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-65-000]

Idaho Power Co.; Application

July 21, 1982.

Take notice that on July 13, 1982, Idaho Power Company (Applicant) filed a request seeking authority, pursuant to Section 204 of the Federal Power Act, to negotiate the placement of up to $25,000,000 of Preferred Stock.

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, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20360 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER82-555-000, ER82-556-000, ER82-557-000, ER82-558-000 and ER82-559-000]

Indiana & Michigan Electric Co.; Order Accepting for Filing and Suspending Rates, Consolidating Dockets, Denying Motions for Rejection and Summary Disposition, Granting Intervention, and Establishing Hearing and Price Squeeze Procedures

Issued July 23, 1982.

On May 28, 1982, Indiana & Michigan Electric Company (IME) tendered for filing increased rates for service to Michigan Power Company (MPC) in Docket No. ER82-555-000, Northern Indiana Public Service Company (NIPSCO) in Docket No. ER82-556-000, Richmond Power and Light (Richmond) in Docket No. ER82-557-000, fourteen municipal wholesale customers (Municipals) in Docket No. ER82-558-000, and seven rural electric cooperative cusomers (Cooperatives) in Docket No. ER82-559-000.[1] IME has proposed a two-part rate increase consisting of Step I rates which would increase revenues by approximately $27.3 million (15.6%) during the calendar 1982 test period, and Step II rates which would further increase revenues by about $28.9 million: The company has requested an effective date of July 28, 1982, for the Step I rates, and for the Step II rates it has requested that the Commission suspend the effective date for five-months until December 28, 1982. Concerning the request for a five month suspension of the Step II rates, IME states that it anticipates that its pending retail rate increase will be adjudicated that it spending retail rate increase will by that time, thereby allowing the company to redesign and reduce the Step II rates to avoid any price squeeze issue in the event that the Public Service Commission of Indiana authorizes retail rates and charges which produce a rate of return on equity which is less than that which is being sought in this proceeding. Additionally, IME has requested that the Commission issue a rate order authorizing the use of tax normalization for cost of service purposes so that it may qualify for the Accelerated Cost Recovery System (ACRS) tax depreciation deductions afforded by the Economic Recovery Tax Act of 1981 (ERTA).

Notice of the instant filings were issued on June 9, and June 10, 1982. On June 22, 1982, the City of Dowagiac, Michigan (Dowagiac), MPC's largest wholesale customer, filed a timely petition to intervene in Docket No. ER82-555-000 which protests IME's proposed rates, requests rejection of IME's request for an interim rate increase,[2] and seeks a hearing on the proposed rates. Dowagiac raises various cost of service issues including excessive rate of return, cost projections, cash working capital, and the inclusion in rate base of 100% of the pollution control construction work in progress (CWIP) related to IME's Rockport plant.[3] Also, fuel disposal expense and nuclear plant decommisssioning expense.

Also, on June 22, 1982, in Docket No. ER82-555-000, the Attorney General of the State of Michigan (Attorney General) filed a petition to intervene for and on behalf of the State of Michigan and the Michigan Public Service Commission. The petition states generally that the proposed rates represent a significant increase in wholesale rates for MPC and that the filing raises additional issues of interest and import to the citizens of Michigan and IME's ratepayers, such as the treatment of spent nuclear fuel disposal costs and the costs for decommissioning IME's nuclear power plants. The Attorney General requests a five month suspension and a hearing.

On June 14, 1982, in Docket No. ER82-556-000, NIPSCO filed a timely petition to intervene. Although NIPSCO raises no cost of service issues in its pleading, it states that it has an interest in this proceeding which cannot be adequately represented by any existing parties.

Richmond petitioned to intervene on June 23, 1982, in Docket No. ER82-557-000, asserting many of the issues that were also raised by Dowagiac. Similarly, Richmond requests that the Commission reject IME's request for an interim rate increase and that the proposed rate increase in its entirety be suspended for the maximum period. In addition to the issues discussed in Dowagiac's pleading, Richmond objects to a make-up provision in IME's cost of service for the recovery of deficiencies in deferred taxes due to IME's use of a flow-through method of accounting in previous tax years.

Indiana and Michigan Municipal Distributors Association (IMMDA)[4] filed a timely petition to intervene in Docket No. ER82-558-000. IMMDA requests that the entire rate filing be suspended for five months. Furthermore, IMMDA alleges that the proposed Step I and Step II rates will create a price squeeze. Also, IMMDA claims that various cost of service issues are presented by IME's submittal including an excessive rate of return on equity and the Rockport CWIP.

On June 24, 1982, in Docket No. ER82-558-000, the Cities of Anderson and Auburn, Indiana (Cities) protested, requested rejection or the issuance of a deficiency letter or a five month suspension of both the Step I and Step II

[1] *See* Attachment A for rate schedule designations.

[2] In seeking rejection of IME's proposed rate increase and suspension of the proposed rates for the maximum period, Dowagiac reasons that the Commission's order in *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶61,189 (February 26, 1982) requires such a result. Dowagiac asserts that the two-part increase is really IME's attempt to institute an interim rate without provision for suspension and refund.

[3] IME's Rockport plant is a two-unit 2,600 MW coal fired generating station scheduled for commercial operation in 1984 and 1986. IME has proposed the sale of 50% interests to Kentucky Power Company and American Electric Power Generating Company before the SEC.

[4] IMMDA is an *ad hoc* association of wholesale municipal customers of IME including Avilla, Bluffton, Columbia City, Frankton, Garrett, Gas City, Warren, Mishawaka, and New Carlisle, Indiana, and Niles, South Haven, and Sturgis, Michigan.

rates, alleged price squeeze, and requested that the four simultaneously filed submittals be consolidated and set for hearing. Cities base their request for rejection or the issuance of a deficiency letter on a claimed failure by IME to follow the Commission's regulations governing the filing of changes in rate schedules (18 CFR 35.13). Also, Cities object to the company's proposed tariff provisions which provide for an automatic tax adjustment clause and termination of service in certain circumstances without Commission approval, as well as numerous cost of service issues.

Also, on June 14, 1982, in Docket No. ER82–559–000, Wabash Valley Power Association, Inc. (Wabash) [5] filed a protest and petition to intervene. Wabash requests that the Commission reject IME's proposed Step II rate increase based on the *West Texas* order (*supra*), and alternatively seeks suspension of the entire increase for five months. Also, Wabash requests summary rejection of one half of the $120 million claimed rate base allowance associated with pollution control facilities at IME's Rockport Plants. Furthermore, Wabash asserts that IME has filed an incomplete tariff applicable to wholesale service to cooperatives inasmuch as IME's submittal does not identify Wabash (rather than its members) as a wholesale customer despite the fact that the Commission has accepted for filing various instruments whereby seven cooperatives assigned their rights to receive power from IME to Wabash.[6] Wabash complains that IME continues to list the respective cooperatives individually and requests that IME be required, instead, to revise its Electric Tariff-REC to recognize Wabash as its customer.

On June 25, 1982, the Village of Paw Paw, Michigan (Paw Paw), a wholesale customer of MPC, filed a petition to intervene in Docket No. ER82–559–000 one day out of time. Paw Paw raises no cost of service issues but it does request a five month suspension of the proposed rates.

Subsequently, I&M filed two pleadings to correct errors in its original submittals. The company states that it continues to adhere to the initially proposed rates and charges since the errors for the most part offset each other. In addition, IMMDA filed an amendment to its original petition on July 7, 1982. IMMDA presents additional analysis of various cost of service issues in support of its request for a maximum suspension.

Discussion

Initially, we find that participation in this proceeding by each of the petitioners is in the public interest. Inasmuch as Paw Paw's petition was only one day out of time and given the interest of that Village as an affected customer and the early stages of this proceeding, we further find that good cause exists to permit the untimely petition to intervene. Therefore, we shall grant all petitioners' requests to intervene.

We find that IME's submittal substantially complies with the Commission's filing regulations; [7] we shall therefore deny the request by Cities, Dowagiac, and Richmond that IME's submittal be rejected. We shall also deny the request that IME's two-step increase be viewed as one rate. Nothing in the Federal Power Act or the Commission's regulations prohibits IME from filing a two-phase increase, and we have previously sanctioned such filings. *See, e.g., Sierra Pacific Power Company,* Docket No. ER82–105–000 (February 5, 1982); *Pacific Gas and Electric Company,* Docket No. ER81–679–000, 17 FERC ¶61,069 (October 23, 1981).

Dowagiac and Richmond contend, as noted above, that the effect of IME's filing is to place interim rates into effect in anticipation of a maximum suspension for the full increase—a policy which the Commission purportedly disapproved in *West Texas, supra.* We disagree that the *West Texas* rationale is applicable here. In that proceeding, the utility's proposed rate increase was suspended for the full five months permitted by statute. In seeking rehearing, the company then proposed that a lower, interim rate be placed into effect in order to avoid the consequences of the suspension period. In the instant case, IME has submitted both rates concurrently. Consistent with the Commission order in *Jersey Central Power and Light Company,* Docket No. ER82–426–000 (May 28, 1982), we shall deny the intervenors' requests to reject IME's proposed Step I rates.

Concerning Wabash's motion for summary disposition, we decline to grant its request to adjust IME's claimed rate base allowance to exclude pollution control CWIP associated with the Rockport Plants because IME does not anticipate culmination of the sale during the test period. We shall, however, require IME to revise its filing to reflect Wabash as a customer in Docket No. ER82–559–000, consistent with the filing of contract assignments in Docket No. ER81–3–000. Furthermore, we shall consolidate Docket Nos. ER82–555–000 through ER82–559–000 inasmuch as the cost of service studies and the prefiled testimony are identical and the dockets present common questions of fact and law.

Our preliminary review of the instant filings and the pleadings indicates that the rates proposed by IME have not been shown to be just and resonable and may be unjust, unreasonable, unduly discriminatory or preferential, or or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing, and suspend their operation as ordered below.

In *West Texas, supra,* we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed rates may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas.* In the instant proceeding, our examination suggests that the Step I increase may not yield excessive revenues. With respect to the Step II increase, however, our review indicates that these rates may produce substantially excessive revenues as defined in *West Texas.* As noted above, IME has requested a five month suspension as to the Step II rates. Accordingly, we shall suspend the Step I rates for one day to become effective subject to refund on July 29, 1982, and the Step II rates for five months to become effective subject to refund on December 28, 1982.

IME has requested that the Commission issue an order approving the use of tax normalization with respect to Accelerated Cost Recovery System (ACRS) property in order to satisfy the requirements of the Economic Tax Recovery Act of 1981 (ERTA). According to our review, it appears that the instant filings reflect a normalization method of accounting for post-1980 property additions, and that IME's submittals meet the requirements of ERTA.

We note that the proposed rates are subject to a tax adjustment clause. IME is hereby advised that implementation of that clause will constitute a change in rate schedule requiring timely filing in accordance with Part 35 of the

[5] Wabash is a generation and transmission cooperative consisting of twenty-four members generally located in northern Indiana, one located in Cassopolis, Michigan, and another located in Paulding, Ohio.

[6] Wabash filed a complaint in Docket No. EL80–35 requesting that the Commission require IME to file Assignments of Contract reflecting the assignment by Wabash member cooperatives of their power supply contracts with IME to Wabash. Such assignments were filed in Docket No. ER81–3–000.

[7] *See, Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC,* 450 F.2d 1341 (D.C. Cir. 1971).

Commission's regulations. We also note that the proposed rate schedules provide for discontinuance of service in certain instances. Section 35.15 of the regulations requires that notices of cancellation or termination be timely filed with the Commission prior to any discontinuation of service.

In light of the price squeeze allegations raised by the petitioners, we shall institute price squeeze procedures and phase those proceedings in accordance with Commission policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79–399 (August 6, 1979).

The Commission orders:

(A) The motions for rejection and summary disposition are denied.

(B) Within thirty (30) days of the date of this order, IME shall file a revised list of purchasers (Original Sheet No. 4) under its proposed Electric Tariff-REC which reflects Wabash as IME's wholesale customer accompanied by an appropriate executed or unexecuted service agreement applicable to service to Wabash.

(C) IME's proposed Step I rates are hereby accepted for filing and suspended for one day from the proposed effective date, to become effective, subject to refund, on July 29, 1982.

(D) IME's proposed Step II rates are hereby accepted for filing and suspended for five months, to become effective, subject to refund, on December 28, 1982.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of IME's rates.

(F) Docket Nos. ER82–555–000 through ER82–559–000 are hereby consolidated for purposes of hearing and decision.

(G) The petitions to intervene are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, However,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order of the Commission in this proceeding.

(H) The Commission staff shall file top sheets in this proceeding on or before August 2, 1982.

(I) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(J) The Commission hereby orders the initiation of price squeeze proceedings and further orders that this case be phased so that the price squeeze proceedings begin after issuance of a Commission opinion establishing the rate which, but for the consideration of price squeeze, would be just and reasonable. The presiding administrative law judge may order a departure from this schedule for good cause. The price squeeze claim shall be governed by section 2.17 of the Commission's regulations as it may be modified prior to the commencement of the price squeeze phase of the instant proceeding.

(K) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT A.—INDIANA & MICHIGAN ELECTRIC COMPANY RATE SCHEDULE DESIGNATIONS

Designation	Description
Docket No. ER82–555–000	
Other Party: Michigan Power Company:	
(1) Supplement No. 4 to Supplement No. 12 to Rate Schedule FPC No. 25 (Supersedes Supplement No. 3 to Supplement No. 12 as Supplemented).	Step I Rates.
(2) Supplement No. 5 to Supplement No. 12 to Rate Schedule FPC No. 25 (Supersedes Supplement No. 4 to Supplement No. 12).	Step II Rates.
Docket No. ER82–556–000	
Other Party: Northern Indiana Public Service Company:	
(3) Supplement No. 4 to Supplement No. 9 to Rate Schedule FPC No. 22 (Supersedes Supplement No. 3 to Supplement No. 9).	Step I Rates.
(4) Supplement No. 5 to Supplement No. 9 to Rate Schedule FPC No. 22 (Supersedes Supplement No. 3 to Supplement No. 9).	Step II Rates.

ATTACHMENT A.—INDIANA & MICHIGAN ELECTRIC COMPANY RATE SCHEDULE DESIGNATIONS—Continued

Designation	Description
Docket No. ER82–557–000	
Other Party: City of Richmond, Indiana:	
(5) Supplement No. 1 to Supplement No. 10 to Rate Schedule FERC No. 70.	Step I Rates.
(6) Supplement No. 2 to Supplement No. 10 to Rate Schedule FERC No. 70 (Supersedes Supplement No. 1 to Supplement No. 10).	Step II Rates.
Docket No. ER82–558–000	
Other Parties: Cities of Avilla, Bluffton, Columbia City, Frankton, Garrett, Gas City, New Carlisle, Niles, South Haven, Sturgis, Warren, Anderson, Auburn and Mishawaka:	
(7) FERC Electric Tariff Original Volume No. 4 Original Sheets No. 1–2–4 including Sheet No. 4.1—Index of Purchasers for Cities of Anderson, Auburn and Mishawaka (Supersedes FPC Electric Tariffs Originial Volume No. 1 (MRS) and No. 2 (WS)).	Step I Rates.
(8) First Revised Sheet No. 5 under FERC Electric Tariff Original Volume No. 4 (Supersedes Original Sheet No. 5).	Step II Rates.
Docket No. ER82–559–000	
Other Party: Wabash Valley Power Association, Inc.:	
(9) FPC Electric Tariff 2nd Revised Volume No. 3 Original Sheet Nos. 1–17 (Supersedes 1st Revised Volume No. 3).	Step I Rates.
(10) First Revised Sheet No. 5 under FPC Electric Tariff Original Volume No. 3 (Supersedes Original Sheet No. 5).	Step II Rates.

[FR Doc. 82–20330 Filed 7–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–656–000]

Iowa Public Service Co.; Filing

July 20, 1982.

The filing Company submits the following:

Take notice that Iowa Public Service Company, Sioux City, Iowa, (Public Service) on July 12, 1982, tendered for filing an Interconnection Agreement with Iowa-Illinois Gas and Electric Company, Davenport, Iowa (Iowa-Illinois), dated June 14, 1982.

Relating to rearranged interconnections of 161 kV transmission lines, following the proposed consummation of the sale thereof from Public Service to Iowa-Illinois of a portion of existing facilities near Fort Dodge, Iowa, Public Service states the purpose of the Agreement is to reflect current circumstances. The proposed effective date is requested to coincide with the consummation of the proposed sale.

Public Service states the Agreement also provides a vehicle for the perpetuation of facilities arrangements

and for additional facilities arrangements as may be mutually agreed from time to time, and will enhance the electrical reliability of the facilities of the parties. Public Service states no charges, rates or classes of energy are established in the Agreement inasmuch as each Party is a signatory to the Mid-Continent Area Power Pool (MAPP) Agreement.

Public Service states copies of the filing have been mailed to Iowa-Illinois, the Iowa State Commerce Commission, the Illinois Commerce Commission, and the South Dakota Public Utilities Commission.

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 Sections 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 4, 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. 82-20344 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-654-000]

Iowa Public Service Co.; Filing

July 20, 1982.

The filing Company submits the following:

Take notice that Iowa Public Service Company (Iowa) on July 12, 1982, tendered for filing an Amendment to Electric Interchange Agreement dated June 7, 1982, with the City of West Bend, Iowa.

Iowa indicates that the Amendment to Electric Interchange Agreement adopts one additional service schedule providing for transactions between the parties similar to Service Schedule K under the Mid-Continent Area Power Pool Agreement. Iowa further indicates that the Agreement provides for the City of West Bend to compensate Iowa for transmission losses and transmission service.

Iowa requests an effective date of July 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 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 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20345 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-426-000]

Jersey Central Power & Light Co.; Order Granting in Part and Denying in Part Application for Rehearing

Issued July 23, 1982.

On June 25, 1982, Jersey Central Power & Light Company (JCP&L) filed an application for rehearing of the Commission's order entered May 28, 1982, in this proceeding. In that order the Commission, *inter alia*, summarily ordered JCP&L to exclude its unamortized investment in cancelled plants and nuclear fuel in process from rate base. The company requests that the Commission reverse its decision and permit these issues to be addressed at hearing.

Discussion

In support of its application for rehearing, JCP&L contends that exclusion of its entire investment in cancelled plants from rate base is inconsistent with prior judicial and Commission precedent. In addition, the company asserts that, if cancelled plants are completely excluded from rate base, then a return on equity higher than that reflected in its original filing would be justified. Citing *FPC* v. *Hope Natural Gas Co.*, 320 U.S. 591 (1944), JCP&L argues that the reasonableness of rate orders is to be judged by whether the end result is just and reasonable and not by the particular elements which comprise the rate. Further, JCP&L contends that exclusion of its investment in cancelled facilities is not required by *New England Power Company*, Opinion No. 49 (July 19, 1979), *aff'd sub. nom., NEPCO Municipal Rate Committee* v. *FERC*, Docket No. 80-1343 (D.C. Cir., Oct. 15, 1981), *cert. denied*, — U.S. — (June 14, 1982), and is inconsistent with Commission precedent applicable to gas pipelines.

We recognize that, in accord with *Hope Natural Gas Co., supra*, it is the "end result" which must be just and reasonable. Nonetheless, the reasonableness of that end result cannot be evaluated without regard to the individual components which comprise a rate. Section 205(e) of the Federal Power Act places an affirmative burden on the filing utility to prove that increased rates are just and reasonable. The implementing regulations (18 CFR 35.13) require, *inter alia*, that a utility provide full explanation of and support for each element of its cost of service, conform its filing to generally applicable Commission precedent, and be prepared to go forward at hearing with the testmony and exhibits initially submitted constituting the case-in-chief for purposes of satisfying its statutory burden of proof.

In *New England Power Co., supra*, the Commission held that the costs of abandoned projects should be equitably allocated between ratepayers and shareholders and, in order to implement this view, the Commission concluded that the utility could amortize these costs and recoup them through the cost of service, but could not earn a return on these costs by including the unamortized balances in rate base during the amortization period. As JCP&L admits, our treatment was affirmed on appeal by the United States Court of Appeals for the District of Columbia Circuit. More recently, in *Northern States Power Co.*, Opinion No. 134, 17 FERC ¶ 61,196 (Dec. 3, 1981), we reaffirmed this policy. JCP&L's argument that our decision to exclude cancelled project costs from rate base is not mandated by Commission precedent is, thus, without merit. Furthermore, the argument that a hearing is required in order to implement this policy determination, is erroneous. Since Opinion No. 49, the Commission has consistently resolved this issue through summary disposition.[1] Nor do we believe that the gas pipeline decisions cited by the company, *Trailblazer Pipeline Co.*, Opinion No. 138, 18 FERC ¶ 61,244 (March 12, 1982) and *Ozark Gas Transmission System*, Opinion No. 125, 16 FERC ¶ 61,099 (July

[1] *E.g., Black Hills Power and Light Company*, Docket No. ER82-454-000 (June 24, 1982); *Central Maine Power Company*, Docket No. ER82-155-000, 18 FERC ¶ 61,126 (Feb. 12, 1982); *Ohio Edison Company*, Docket No. ER82-79-000, 18 FERC ¶ 61,010 (Jan. 8, 1982); *New England Power Company*, 16 FERC ¶ 61,249 (Sept. 29, 1981).

28, 1981), are applicable. In those decisions, the Commission approved project financing in granting certificates pursuant to section 7 of the Natural Gas Act,[2] not the appropriate ratemaking treatment for cancelled projects which the utilities were seeking to include in their rates.

As to the question of return on equity, the company's case-in-chief did not include testimony seeking to support a return other than 19% based on any alternative scenario of events, including summary disposition of rate base items. While the company now seeks to support its revenue request by inflating the rate of return to recover dollars equal to those attributable to its impermissible rate base inclusion, its case-in-chief contains no testimony or exhibits which would support a higher return. The Commission has long held that utilities may not present a "moving target" by offering alternative justifications for previously filed rates.[3] As one court stated in affirming the Commission's action the refusal to permit such alternative rate support is not arbitrary "in view of the administrative necessity of closing the books at a time certain and having a mechanism to prevent utilities from delaying refund orders by offering alternative justifications for the rate increase it has filed. FPC staff and intervenors cannot be expected to follow a moving target." [4] For the reasons stated and because no material issues of law or fact exist with respect to the rate base exclusion of cancelled plant costs, we shall deny in toto JCP&L's application for rehearing on this point.

JCP&L also seeks clarification of our order directing the company to exclude nuclear fuel in process from rate base. JCP&L has recorded its investment of $12,643,000 in nuclear fuel for reload at the company's Three Mile Island Nuclear Unit No. 1 and $19,811,000 in nuclear fuel for reload at its Oyster Creek Nuclear Unit in Account No. 120.1. The company indicates that, but for a technical distinction in the Uniform System of Accounts, these amounts would be recorded in Account No. 120.2, since no further "refinement, conversion, enrichment, [or] fabrication" will take place. Rather the amounts at issue represent "completed fuel assemblies" ready for use in the next refueling but being stored at the fabrication plant rather than at the reactor site. JCP&L seeks clarification as to whether our order of May 28, 1982, excluding nuclear fuel in process from rate base applied to these items. In the event that the Commission did intend to exclude them from rate base, JCP&L seeks rehearing of our prior order.

In *Indiana & Michigan Electric Co.*, Opinion No. 79, 10 FERC ¶ 61,238 (March 18, 1980), we held that amounts recorded in Account No. 120.1 of the Uniform System of Accounts, Nuclear Fuel in Process of Refinement, Conversion, Enrichment, and Fabrication, could not be included in rate base, but that amounts included in Account No. 120.2, Nuclear Fuel Materials and Assemblies-Stock Account, could be included in rate base. The distinction was premised on the conclusion that nuclear fuel in the stages of fabrication, refinement, etc., was closely analogous to construction work in progress. JCP&L states that the Commission staff has recently recommended that Metropolitan Edison Company, an affiliate of JCP&L,[5] record its investment in nuclear fuel for reloading at Three Mile Island Unit No. 1 in Account No. 120.2.

Our decision to summarily exclude nuclear fuel in process was intended to apply to all amounts presently recorded in Account No. 120.1 by JCP&L, including those attributable to nuclear fuel for reloading at Three Mile Island Unit No. 1 and Oyster Creek. Upon reconsideration, however, we believe that the matter raises questions of law or fact more appropriately resolved on the basis of an evidentiary hearing. We shall, therefore, grant JCP&L's application for rehearing on this point and permit the issue to be addressed at hearing.

The Commission orders

(A) JCP&L's application for rehearing of the Commission's order entered May 28, 1982, with respect to nuclear fuel for reloading at Three Mile Island Unit No. 1 and Oyster Creek, is hereby granted. In all other respects, JCP&L's application of June 25, 1982, is hereby denied.

(B) Ordering Paragraph (D) of the Commission's order entered May 28, 1982, in this proceeding is revised to read as follows:

JCP&L's inclusion of nuclear radwaste systems, nuclear fuel in process (other than amounts attributable to nuclear fuel held for the next reloading at Three Mile Island No. 1 and Oyster Creek), and unamortized investment in cancelled units in rate base is summarily rejected. The motions for summary disposition as to cash working capital and nuclear fuel for reloading at Three Mile Island No. 1 and Oyster Creek are denied. Within thirty (30) days of the date of this order, JCP&L shall file reduced Phase B rates and cost support reflecting only these determinations.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20331 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

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[2] 15 U.S.C. 717f.

[3] *Western Power Division, Central Telephone & Utilities Corp.*, Docket No. ER76-92 (Aug. 17, 1976); *Northern States Power Co.*, 54 FPC 1572 (1975); *Minnesota Power & Light Co.*, Docket No. E-9499 (Oct. 9, 1975); *New England Power Co.*, FPC 468 (1975); aff'd.; *New England Power Co.* v. *EPC*, Docket No. 75-1379 (1st Cir., Nov. 13, 1975); *Georgia Power Co.*, 54 FPC 458 (1975); *Central Vermont Public Service Corp.*, Docket No. E-9040 (Aug. 5, 1975), (unreported; reh. denied, 54 FPC 1441) (1975). *See also FPC* v. *Tennessee Gas Transmission Co.*, 371 U.S. 145 (1962).

[4] *New England Power Co.* v. *FPC*, 1st Circuit Docket No. 75-1379 (Nov. 13, 1975, unreported, mimeo at 3).

[5] CP&L and Metropolitan Edison Company are both operating units of General Public Utilities Corporation.

[Project No. 3272-002]

Joseph M. Keating; Application for License (5 MW or Less)

July 23, 1982.

Take notice that Joseph M. Keating (Applicant) filed on June 1, 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 the Leggett Project No. 3272. The project would be located on the Lee Vining Creek, near Lee Vining, in Mono County, California. Correspondence with the Applicant should be directed to: Mr. Joseph M. Keating, 847 Pacific Street, Placerville, California 95667; and Mr. James B. Vasile, Morgan, Lewis & Bockins, 1800 M Street, NW., Washington, D.C. 20036.

Project Description—The proposed project would consist of: (1) a 2-foot-high, 45-foot-long rockfill diversion and intake structure to be located in the existing tailrace pool of Southern California Edison Company's Project No. 1388; (2) a 2-foot-high, 10-foot-long stoplog diversion structure on Lee Vining Creek; (3) an 8,700-foot-long, 48-inch diameter steel penstock; (4) a powerhouse containing one 1,100-kW generating unit and one mobile 1,100-kW generating unit; and (5) a 300-foot-long transmission line. The average annual energy generation is estimated to be 6.6 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Southern California Edison 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 October 4, 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 § 4.3 (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 October 4, 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. 82–20332 Filed 7–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ID–2015–000]

William H. Knoell; Application

July 21, 1982.

The filing individual submits the following:

Take notice that on July 14, 1982, William H. Knoell filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions: Director, Duquesne Light Company; Director, Koppers Company, Inc.

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 Section 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 16, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 882–20361 Filed 7–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 4008–000, 4008–001, 4008–002, 4008–003 and 4938–000]

Long Lake Energy Corporation Village of Ilion, New York; Notice Accepting Withdrawal of Appeal

July 20, 1982.

On March 17, 1982, the Director, Office of Electric Power Regulation, issued an order granting to Long Lake Energy Corporation ("Long Lake") an exemption from licensing for the Dolgeville Project (Project No. 4008–002) and denying the competing application of the Village of Ilion, New York ("Ilion") (Project No. 4938–000). *Long Lake Energy Corp., et al.*, 18 F.E.R.C. ¶62,465 (May 7, 1982). On April 16, 1982 Ilion appealed this order.

On July 7, 1982, Ilion filed a notice of withdrawal of the appeal and of its competing application for preliminary permit. Long Lake does not object to this withdrawal. Both Long Lake and Ilion request that Ilion's withdrawal be promptly accepted.

Notice is hereby given that Ilion's July 7, 1982 notice of withdrawal is accepted.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–20346 Filed 7–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ST82–345–000]

Louisiana Intrastate Gas Corp.; Application

July 22, 1982.

Take notice that on June 17, 1982, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST82–345–000 an application pursuant to § 284.123(b)(2) of the Commission's Regulations for approval of rates charged for the transportation of natural gas for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that on June 10, 1982, Tennessee and Applicant entered into an agreement whereby Applicant agreed to receive gas from Tennessee or for Tennessee's account at a point in DeSoto Parish, Louisiana, and to redeliver to Tennessee or for Tennessee's account at the points of delivery specified for resale an equivalent quantity of gas less Tennessee' *pro rata* share of the gas received for fuel, company use and unaccounted for gas, limited to 2 percent. The proposed points of receipt and delivery of gas to be transported are as follows:

Point of Receipt

1. Point of Interconnection between the facilities of Sun Gas Company and Applicant located in DeSoto Parish, Louisiana.

Location and Points of Delivery

1. Grogan—A mutually agreeable point in Natchitoches Paris, Louisiana
2. Natchitoches—Point of interconnection between facilities of Applicant and Tennessee, Natchitoches Parish, Louisiana

3. St. Mary—Point of interconnection between the facilities of Applicant and Tennessee, St. Mary Parish, Louisiana
4. Terrebonne—Point of interconnection between the facilities of Applicant and Tennessee, Terrebonne Parish, Louisiana

Tennessee, it is asserted, would pay Applicant 20.0 cents per million Btu for each million Btu redelivered. Applicant asserts that this rate is both fair and equitable. It is further stated that the agreement grants Applicant the right to increase its rates to reflect any taxes.

Applicant submits that the proposed transportation service would be for a period of two years from initial deliveries or when Tennessee commences taking gas from Sun Gas Transmission whichever first occurs.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20304 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-409-000]

MIGC, Inc.; Application

July 22, 1982.

Take notice that on July 9, 1982, MIGC, Inc. (Applicant), 10880 Wilshire Boulevard, Los Angeles, California 90024, filed in Docket No. CP82-409-000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application 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 application should on or before August 12, 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20305 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4511-000]

City of Monticello, Iowa; Surrender of Preliminary Permit

July 21, 1982.

Take notice that the City of Monitcello, Iowa, Permittee for the Monticello Mill Dam Project No. 4511 has requested that its preliminary permit for the project be terminated. The preliminary permit was issued on November 3, 1981, and would have expired on April 30, 1983. The proposed project would have utilized Jones County Conservation Boards' Dam on the Maqyoketa River in Jones County, Iowa.

The Permittee stated that it wished to surrender the permit, since preliminary studies indicated that the project would not be feasible.

The City of Monticello filed the request on May 26, 1982, and the surrender of the preliminary permit for Project No. 4511 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20303 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5465-001]

Mt. Ida Associates; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 26, 1982.

Take notice that on April 30, 1982, Mt. Ida Associates (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. 5465 would be located on Poestenkill Creek in Rensselaer County, New York. Correspondence with the Applicant should be directed to: Mr. William Bantz, Mt. Ida Associates, Latham Circle Mall—Room 111, 800-19 New Loudon Road, Latham, New York 12110.

Project Description—The proposed project would consist of: (1) A rehabilitated timber crib dam, 150 feet long and varying in height from 4.5 to 13 feet with an average height of 10.5 feet; (2) a small pool of 1.4 acres impounding 12 acre/feet; (3) a rehabilitated intake structure; (4) an existing 525-foot-long rock tunnel with a steel liner insert; (5) a new 60-inch-diameter steel penstock 775 feet long; (6) a new 60 by 24-foot powerhouse containing three 769-kW turbine/generator units operating under a head of 151 feet; (7) a new 34.5-kV transmission line 400 feet long; and (8) appurtenant facilities. The average annual generation of 8.93 million kWh would be sold to Niagara Mohawk Power Company.

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 New York State Department of Environmental Conservation 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, State, and local agencies are requested to provide any comments 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 presumed 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 13, 1982 either the competing license application that proposes 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 4.33 (a) and (d) (1980).

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 13, 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. 82-20306 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-16-000]

National Fuel Gas Supply Corp.; Proposed Tariff Change

July 20, 1982.

Take notice that on July 2, 1982 National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Thirty-Ninth Revised Sheet No. 4, proposed to be effective August 1, 1982.

National states that the purpose of this revised tariff sheet is to adjust National's rates pursuant to Article 17 (PGA) of the General Terms and Conditions and Article V of its Stipulation and Agreement in Docket No. RP80-95. National further states that Thirty-Ninth Revised Sheet No. 4 reflects an increase in National's rates of 89.52¢ per Mcf.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 26, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb

Secretary.

[FR Doc. 82-20347 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-[illegible]

[Docket No. CP82-402-000]

Natural Gas Pipeline Company of America; Application

July 22, 1982

Take notice on July 6, 1982, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Ave., Chicago, Illinois 60603, filed in Docket No. CP82-402-000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application 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 application should on or before August 12, 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 the 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition or 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. 82-20313 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-651-000]

Niagara Mohawk Power Corp.; Filing

July 20, 1982.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) on July 8, 1982, tendered for filing as a rate schedule, an agreement between Niagara and Rochester Gas and Electric Corporation (Rochester) dated March 18, 1982.

Niagara presently has on file an agreement with Rochester dated December 26, 1968. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 58. This new agreement is being transmitted as a supplement to the existing agreement, and supersedes Supplement No. 4.

The December 26, 1968 agreement is for the use of Niagara's transmission facilities by Rochester for the purpose of connecting Rochester's Gina Nuclear Plant into the New York Cross-State transmission system. The March 18, 1982 agreement revises the rate to be paid by Rochester for the use of Niagara's facilities.

Niagara requests an effective date of October 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were supplied to the Rochester Gas and Electric Corporation and the New York Public Service Commission.

Any persons desiring to be heard or to protest said application should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 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. 82-20348 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-650-000]

Northeast Utilities Service Co.; Cancellation

July 20, 1982.

The filing Company submits the following:

Take notice that on July 6, 1982, the Northeast Utilities Service Company on behalf of the Connecticut Light and Power Company (CL&P) and the Hartford Electric Light Company (HELCO) tendered for filing a Notice of Cancellation with respect to HELCO FERC Rate Schedule No. 15 and CL&P FERC Rate Schedule No. 14.

CL&P and HELCO state that those rate schedules are being cancelled or terminated because the underlying interconnection agreement between CL&P and HELCO will no longer be in effect or necessary in that HELCO is to be fully merged into CL&P at the close of business on June 30, 1982.

CL&P requests an effective date of July 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20349 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-401-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Notice of Application

July 23, 1982.

Take notice that on July 6, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-401-000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application 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 application should on or before August 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or 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 and permission and approval for the proposed abandonment are

required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believe 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. 82-20314 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-1-M

[Docket No. CP82-367-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

July 22, 1982.

Take notice that on June 8, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-367-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to other interstate pipelines, intrastate pipelines and local distribution companies and authorizing the transportation of natural gas in order to accommodate said sales and to accommodate certain direct sales and deliveries of natural gas to end users, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to sell up to 118,000,000 Mcf of natural gas in 1982 and 113,000,000 Mcf of natural gas in 1983. It is stated that the sales and the transportation by Applicant and necessary third party transporters required to accommodate delivery of the proposed sales volumes would be on a self-implementing basis. Applicant maintains that each specific sale would be for an initial term not to exceed one year and that the sales volumes for each sale would not exceed 36,000,000 Mcf annually. It is further stated that winter volumes would be supplied on a best-efforts basis and that summer volumes would be supplied on a firm basis with a minimum monthly summer take provision of 75 percent of gas made available by Applicant subject only to reduction to meet on-system requirements. Applicant states that the cost of any required facilities or incremental transportation costs would be reimbursed by the purchaser. It is stated that the volumes proposed to be sold hereunder would be surplus to the needs of Applicant's existing customers and that all volumes would be marketed from Applicant's general system supply. Applicant asserts that in the case of sales of natural gas to an intrastate pipeline the latter would agree not to make sales of natural gas to an interstate pipeline pursuant to Section 311(b) of the Natural Gas Policy Act of 1978 during times when purchases are made hereunder. Applicant explains that sales would not be made to effect a conversion from coal as an alternate energy source.

Applicant explains that its current market supply projections show an estimated annual deliverability surplus of 198,000,000 Mcf and 193,000,000 Mcf for the years 1982 and 1983, respectively. Further, Applicant notes that notwithstanding the current deliverability surplus on its system, it is obligated to continue an active gas acquisition program in order to assure its customers an adequate gas supply for their long-term needs. It is stated that the consequence of the addition of the gas reserves is the temporary imbalance between short-term customer sales' requirements and short-term deliverability takes required of Applicant.

Applicant maintains that in order to reduce its short-term surplus and the resultant take-or-pay payments authority to make off-system sales in a manner which would allow it to respond to the volatile short-term market is necessary. It is asserted that the short-term interests of Applicant's customers would continue to be protected since the off-system sales would be subject to the requirements of on-system customers and the volumes proposed for sale herein would be contingent upon Applicant's ability to meet its existing general system volume requirements.

Applicant proposes to charge interstate pipeline purchasers under its effective Zone 1 Pipeline Overrun Rate pursuant to Rate Schedule PO-1 of Applicant's FERC Gas Tariff, Third Revised Volume No. 1. Applicant proposes to charge other eligible purchasers no less than the Rate Schedule PO-1 price for volumes sold to other eligible purchasers. It is stated that any transportation service charges of third parties or facility costs incurred by Applicant in order to effectuate delivery of sales volumes to purchasers would be reimbursed to Applicant by the purchaser.

It is stated that all revenues that Applicant receives from off-system sales during the period covered by Applicant's Docket No. RP81-52 rate proceeding would be credited to its Account No. 483, revenues from gas sales for resale. Applicant adds that the disposition of the revenues received by Applicant from the off-system sales made during the period covered by its rate proceeding in Docket No. RP82-71 would be in accordance with the resolution of that rate filing.

Applicant proposes to notify the Commission of subject sales transactions in similar fashion as required pursuant to Section 284 reporting requirements. Specifically, Applicant proposes to provide a 48-hour commencement notification of subject sales transactions, a 30-day initial report and a final report summarizing the events of the total sales results. Applicant further proposes to update the Commission with volumes sold and revenues received on a quarterly basis throughout the term of each sale, and upon termination of the sale to submit a final report showing total volumes sold and revenue received.

Applicant proposes to file an extension report if it has surplus volumes available which would permit the extension of the sales term for up to an additional 1-year period.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 12, 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 beheld 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. 82-20315 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6468-000]

NorthHydro, Inc.; Application for Preliminary Permit

July 22, 1982.

Take notice that NorthHydro, Inc. (Applicant) filed on June 25, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)825(r)] for Project No. 6468 to be known as the Star Creek Water Power Project located on Star Creek, within Kootenai National Forest in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard W. Kochansky, 2005 Ironwood Parkway #141, Coeur d'Alene, Idaho 83814.

Project Description—The proposed project would consist of: (1) A reinforced concrete diversion structure six feet high at elevation 2,600 feet; (2) a steel penstock 24 inches in diameter and 10,000 feet long; (3) an enclosed powerplant with a 980-kW capacity and an average annual output of 5.0 GWh; and (4) a transmission line three miles long. The Applicant intends to sell project output to Northern Lights, Inc.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is in the range of $50,000 to $90,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before October 1, 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 October 1, 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 30, 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 October 1, 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. 82-20316 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-119-004]

Northwest Pipeline Corp.; Petition To Amend

July 22, 1982.

Take notice that on June 18, 1982, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-119-004 a petition to amend the order issued July 18, 1979, in Docket No. CP78-119 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of additional volumes of gas for the account of Colorado Interstate Gas Company (CIG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Petitioner and CIG entered into a gas purchase, transportation and exchange agreement dated April 7, 1976, as amended November 28, 1977, which provided, *inter alia*, for the transportation by Petitioner of all volumes of gas sold to CIG thereunder plus any other supplies of natural gas acquired by CIG in the area of Carbon County, Wyoming. Petitioner states that by order issued August 31, 1976, in Docket No. CP75-294 Petitioner was authorized to transport to the Barrel Springs delivery point, Carbon County, Wyoming, for CIG's account, volumes of natural gas which Petitioner sold to CIG pursuant to said agreement.

It is further stated that by order issued July 18, 1979, in the instant docket, Petitioner was authorized, *inter alia*, to (1) transport to the Creston Nose delivery point for the account of CIG the volumes of natural gas purchased by CIG from Petitioner and Michigan Wisconsin Pipeline Company pursuant to said agreement and, (2) transport to the Barrel Springs delivery point up to 2,000 Mcf of natural gas per day attributable to CIG's interest in wells in the area.

It is asserted that CIG has acquired an interest in several of the wells connected to Petitioner's Creston Nose gathering system and that on September 9, 1981, CIG and Petitioner amended the gas purchase, transportation and exchange agreement to add three of the Creston Nose wells as delivery points from CIG to Petitioner for transportation to the Creston Nose delivery point.

Petitioner requests authority to transport to the Creston Nose delivery point for CIG's account the volumes of natural gas attributable to CIG's wellhead interest in wells covered by the agreement which are now or hereafter may be connected to Petitioner's Creston Nose gathering system. It is stated that CIG's wellhead interest in these wells is presently averaging less than 100 Mcf of natural gas per day.

It is asserted that for subject transportation service Petitioner would charge CIG its Green River area gathering rate and fuel rate as set forth in its FERC Gas Tariff, Volume No. 2, for which currently effective rates are, respectively, 60.84 cents per million Btu and 0.94 percent of volumes received for transportation.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 13, 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. 82-20317 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER82-553-000 and ER82-554-000]

Ohio Power Co.; Order Accepting for Filing and Suspending Rates, Granting Intervention, and Establishing Hearing Procedures

Issued July 23, 1982.

On May 28, 1982, Ohio Power Company (OPCO) tendered for filing increased rates for service to fifteen municipal customers (Docket No. ER82-553-000) and to its subsidiary, Wheeling Electric Company (Docket No. ER82-554-000).[1] The proposed rates would increase revenues from the municipal customers by approximately $1,599,000 (12.80%) and from Wheeling Electric Company by approximately $9,962,000 (16.24%) based on the calendar 1982 test period. OPOC requests an effective date of July 28, 1982, for the increased rates.

Notices of OPCO's filings were issued on June 9, 1982, with comments due on or before June 22, 1982. On June 21, 1982, the West Virginia Public Service Commission filed a notice of intervention raising no specific substantive issues. Also on June 21, 1982, the Villages of Arcadia, Bloomdale, Carey, Cygnet, Deshler, Greenwich, Ohio City, Plymouth, Republic, Shiloh, Sycamore, Wapakoneta, and Wharton, and the Cities of Bryan and St. Clarisville, Ohio (Municipal Customers) filed a petition to intervene, protest, and request for full suspension and a hearing. The Municipal Customers raise the following issues: 1) Rolled-in transmission allocation, 2) cost of service treatment of costs and revenues associated with two large industrial customers, 3) fuel inventory, 4) rate base treatment of deferred investment tax credits, 5) treatment of a parent company tax loss, 6) rate of return, 7) cash working capital, and 8) other rate base adjustments.

On June 22, 1982, Linden Chemicals & Plastics, Inc., Mobay Chemical Corporation, Olin Corporation, and PPG Industries, Inc. (Industrials) filed a petition to intervene and motion for maximum suspension, stating that they are industrial customers of Wheeling Electric Company. These petitioners raise concerns as to the following issues: (1) rate of return (2) amortization of tax deficiency, (3) cash working capital, (4) fuel cost, (5) transmission allocation, and (6) growth factors.

Discussion

The Commission finds that participation in this proceeding by the petitioners is in the public interest. Accordingly, the petitions to intervene will be granted. The timely notice filed by the West Virginia Commission is sufficient to initiate its participation as an intervenor.

Our preliminary examination of the filings and the pleadings indicates that OPCO's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

The Commission explained its suspension policy in *West Texas utilities Company,* Docket No. ER82-23-000 (February 26, 1982). As noted there, where our preliminary review suggests that increased rates may be unjust and unreasonable, but may not be substantially excessive as described in *West Texas,* we shall suspend the rates for one day. Because we find that the proposed rates for Wheeling Electric Company (Docket No. ER82-554-000) may not yield substantially excessive revenues, we shall suspend those rates for one day to take effect subject to refund on July 29, 1982. However, preliminary examination further indicates that the rates to the municipal customers (Docket No. ER82-553-000) may be substantially excessive. Thus, consistent with *West Texas,* we shall suspend these rates for five months, to become effective subject to refund on December 28, 1982.

Because the increases proposed in Docket Nos. ER82-553-000 and ER82-554-000 are based on substantially the same cost of service studies and present common questions of law and fact, we shall consolidate these dockets for purposes of hearing and decision.

The Commission orders:

(A) OPCO's proposed rates to the municipal customers, are hereby accepted for filing and suspended for five months from sixty days after filing to become effective, subject to refund, on December 28, 1982.

(B) OPCO's proposed rates to Wheeling Electric Company are hereby accepted for filing and suspended for one day from sixty days after filing to become effective, subject to refund, on July 29, 1982.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of OPCO's rates.

(D) The proceedings in Docket Nos. ER82-553-000 and ER82-554-000 are hereby consolidated for purposes of hearing and decision.

(E) The petitioners are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* That participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and

[1] *See* Attachment A for customers and rate schedule designations.

Provided, further, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order of the Commission in this proceeding.

(F) The Commission staff shall serve top sheets in this proceeding on or before August 2, 1982.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as rovided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Ohio Power Company

Docket Nos. ER82–553–000 and ER82–554–000

Rate Schedule Designations

(1) FPC Electric Tariff, *Original Volume No. 1.*

Sheet No.	Supersedes sheet No.
3rd Revised Sheet Nos. 1 and 2.	2nd Revised Sheet Nos. 1 and 2.
6th Revised Sheet No. 6	5th Revised Sheet No. 6.
3rd Revised Sheet No. 7A	2nd Revised Sheet No. 7A.
4th Revised Sheet Nos. 8, 9 and 10.	3rd Revised Sheet Nos. 8, 9 and 10.

Tariff Customers:

Cities of Bryan, St. Clausville and Wapakoneta

Villages of Arcadia, Bloomdale, Carey, Cygnet, Deshler, Greenwich, Ohio City, Plymouth, Republic, Shiloh, Sycamore and Wharton

(2) Supplement No. 12 to Rate Schedule FPC No. 18 (Supersedes Supplement No. 11), Wheeling Electric Company.

[FR Doc. 82–20333 Filed 7–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER82–565–000 and ER82–566–000]

Orange & Rockland Utilities, Inc.; Order Accepting for Filing and Suspending Rates, Consolidating Dockets, Granting Intervention, and Establishing Procedures

Issued July 23, 1982.

On June 1, 1982, Orange and Rockland Utilities, Inc. (O&R) submitted for filing amendments to its full requirement Power Supply Agreements with its two wholly-owned subsidiaries, Rockland Electric Company (Rockland) and Pike County Light & Power Company (Pike County).[1] The amendments would incorporate changes [2] in certain components of the formulary rates under the Power Supply Agreements and would result in increased revenues from Rockland and Pike County of approximately $1,467,000 (2.0%) and $65,000 (2.5%), respectively, based on the test period ending July 31, 1983. O&R requests that the proposed amendments be suspended for one day, to become effective on August 1, 1982.

Notice of the filings was issued on June 10, and June 14, 1982, with comments due on or before June 28, 1982. The Industrial Energy Users Association (IEUA), an unincorporated New York Association comprising industrial electric and gas customers of O&R, file timely petitions to intervene. IEUA states that it has a direct interest in the proposed tariff amendments and challenges the proposed allocation of costs associated with coal conversion facilities and fuel inventory on an energy rather than a demand basis.

[1] *See* Attachment A for rate schedule designations. The electric production, transmission, and distribution facilities of O&R (a New York Corporation), Rockland (a New Jersey Corporation), and Pike County (a Pennsylvania Corporation) are physically interconnected and are operated as a single integrated system. O&R owns and operates the generating facilities and the major portion of the transmission facilities which supply the power requirements of the integrated system.

[2] Those changes relate to: (1) the allocation of capital expended on coal conversion facilities (including the property taxes and insurance costs associated with these facilities) on an energy rather than demand basis and the calculation of AFUDC on a net-of-tax basis for such capital expenditures; (2) the allocation of distribution expenses and associated payroll costs; (3) a modification of the formula for determining the cash working capital allowance by using a lead-lag study for fuel and purchased power costs; (4) an increased return on equity and the elimination of the ceiling on the equity component of capitalization; (5) the allocation of fuel inventory on an energy rather than demand basis; (6) the allocation of deferred taxes attributable to investment tax credit; (7) the inclusion of certain amortization expenses in the monthly bills; (8) the modification of the rate at which interest will be accrued on unpaid bills; and (9) the changes on the effective date of the tariffs and O&R's address.

Discussion

Initially, we find that participation in this proceeding by IEUA is in the public interest. We shall therefore grant its petitions to intervene. Because we find that common questions of law and fact are presented in Docket Nos. ER82–565–000 and ER82–566–000, we shall consolidate the two dockets for purposes of hearing and decision.

We note that O&R's present formulary rates provide for an equity return of 13% so long as the equity ratio of its consolidated capital structure (*i.e.*, the combined capital structure of O&R, Rockland, and Pike County) does not exceed 40% of the total capitalization. Any percentage of equity above the 40% "ceiling" is included in the capitalization at zero cost. The proposed amendments reflect an increased return on equity and eliminate the 40% ceiling on the equity ratio of the consolidated capital structure; the current filings reflect a 43% equity ratio. Without addressing the reasonableness of the claimed return in conjunction with a 43% [1] equity ratio at this stage of the proceedings, it appears clear that as the percentage of equity financing increases, the risks and capital costs to the equity holder may decline. Thus, we do not believe that the formulary mechanism should be permitted to operate unchecked despite a substantial increase in the equity ratio. As a result, we shall require O&R to tender an appropriate filing under Part 35 of the regulations in order to obtain Commission approval for an equity allowance in the event that the equity ratio of the consolidated capital structure exceeds 43%.

O&R has filed cost support to reflect the normalization of timing differences as required by Commission Order Nos. 144 and 144–A and by section 35.25 of the regulations. However, O&R proposes to defer implementation of normalization in its billings until similar regulatory treatment is approved at the State commission level. Consistent with the mandate of section 35.25 of the regulations and O&R's filed cost statements, the billings to Rockland and Pike County under the proposed formulary rates must immediately reflect full tax normalization.

Our preliminary examination of O&R's filing indicates that the proposed rates under the amendments have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. We shall therefore

[1] Under the proposed amendments, the equity ratio is 43.92 percent of the total capital structure.

accept the rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82–23–000 (February 26, 1982), we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that proposed rates may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. In the instant proceeding, our preliminary review suggests that the proposed rates may not yield substantially excessive revenues. Accordingly, we shall suspend O&R's amendments for one day from the proposed effective date, to become effective, subject to refund, on August 1, 1982.

The Commission orders:

(A) O&R's proposed amendments are hereby accepted for filing and are suspended for one day from the proposed effective date, to become effective on August 1, 1982, subject to refund.

(B) Billings under the proposed formulary rates shall reflect the normalization of timing differences as required under section 35.25 of the Commission's regulations.

(C) In the event that the equity ratio of O&R's consolidated capital structure exceeds 43%, the company shall tender an appropriate Part 35 filing in order to obtain Commission approval of an equity allowance to be reflected in the formula rates.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of O&R's rates.

(E) Docket Nos. ER82–565–000 and ER82–566–000 are hereby consolidated for purposes of hearing and decision.

(F) IEUA's petition to intervene in this proceeding is hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* That participation by such intervenor shall be limited to the matters set forth in its petition to intervene; and *provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved by any order of the Commission in this proceeding.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Rate Schedule Designations

Orange & Rockland Utilities

Docket Nos. ER82–565–000 and ER82–566–000

Designation	Docket No.	Other party
(1) Supplement No. 7 to Rate Schedule FPC No. 21 (Supersedes Supplement No. 6).	ER82–565–000.	Rockland.
(2) Supplement No. 6 to Rate Schedule FPC No. 24 (Supersedes Supplement No. 5).	ER82–566–000.	Pike County.

[FR Doc. 82–20334 Filed 7–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–649–000]

Pacific Power & Light Co.; Filing

July 20, 1982.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on July 6, 1982, tendered for filing, in accordance with Section 35.12 of the Commission's Regulations, the Agreement between Town of Basin, Wyoming (Town) and Pacific dated April 5, 1982. The Agreement provides for increased capacity at Pacific's Town of Basin Station and power purchases by Town.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective April 5, 1982, which it claims is the date of commencement of service.

Copies of this filing were supplied to the Town of Basin, Wyoming.

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 August 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–20350 Filed 7–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER81–187–001]

Public Service Company of New Mexico; Refund Report

July 21, 1982.

The filing Company submits the following:

Take notice that on July 12, 1982, Public Service Company of New Mexico filed a refund report pursuant to the Commission's letter of May 28, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 5, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–20362 Filed 7–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER82–545–000, 82–546–000]

Public Service Company of Oklahoma, et al.; Order Accepting for Filing and Suspending Tariffs, Granting in Part and Denying in Part Motions for Summary Disposition, Granting Interventions, Consolidating Dockets, and Establishing Procedures

Issued July 23, 1982.

In the matter of Public Service Company of Oklahoma, Southwestern Electric Power Company, Docket No. ER82–545–000; and Central Power and Light Company, West Texas Utilities Company, Docket No. ER82–546–000.

On May 25, 1982, in Docket No. ER82–545–000, Public Service Company of Oklahoma (PSO) and Southwestern Electric Power Company (SWEPCO) jointly submitted for filing a transmission service tariff for utilities operating in the load control area of the Southwest Power Pool (SWPP) with less than a 1500 MW load. Also on May 25, 1982, in Docket No. ER82–546–000, Central Power and Light Company (CPL) and West Texas Utilities Company (WTU) submitted a transmission service tariff applicable to utilities operating within the load control area of the Electric Reliability Council of Texas (ERCOT) with less than a 1500 MW load.[1] There are no existing purchasers under either tariff but the filing companies have requested an effective date of July 25, 1982, for the proposed tariff provisions. In addition, the filing companies request that the Commission issue a rate order authorizing the use of normalization accounting for cost of service purposes so that they may qualify for the Accelerated Cost Recovery System (ACRS) tax depreciation deductions provided in the Economic Tax Recovery Act of 1981 (ERTA).

The instant filings were made pursuant to the Commission's order in *Central Power and Light Company, et al.*, Docket Nos. EL79–8 and E–9558, 17 FERC ¶61,078 (October 28, 1981), as modified on rehearing, 18 FERC ¶61,100 (January 29, 1982). In that earlier proceeding, the Commission, among other things, accepted a settlement agreement which provided for the constuction of two asynchronous interconnections between ERCOT and SWPP. The Commission also incorporated by reference the terms of a proposed order [2] which provided for the filing by PSO and SWEPCO, and CPL and WTU, of the transmission tariffs at issue in the instant dockets, to become effective subject to refund if the Commission so ordered.

Notices of the filings in Docket Nos. ER82–545–000 and ER82–546–000 were issued on June 2, 1982, with comments due on or before June 16, 1982. In response to a request by the Municipal Electric Systems of Oklahoma, the date for filing protests or petitions to intervene was extended until June 28, 1982. On June 16, 1982, petitions to intervene were filed by the Municipal Electric Systems of Oklahoma, Brazos Electric Power Cooperative, Medina Electric Cooperative, South Texas Electric Cooperative, Texas Cooperatives,[3] and jointly by Tex-La Electric Cooperative of Texas, Inc., and Northeast Texas Electric Cooperative, Inc.

In their pleadings, petitioners request that the filings be suspended for one day and set for hearing. The petitioners oppose the use of a combined transmission rate by CPL and WTU, raise issues with respect to rate of return, potential rate discrimination, applicability of service, rate design, and other cost of service matters, and request the consolidation of Docket Nos. ER82–545–000, ER82–546–000, and ER82–159–000.[4] In addition, Texas Cooperatives request summary disposition with respect to several tariff provisions as well as CPL's and WTU's inclusion of ADITC as a separate component of their capital structures. The tariff provisions for which the Texas Cooperatives seek summary disposition concern availability and duration of service, take-or-pay requirements, telemetering requirements, and cancellation fees.

On June 28, 1982, the filing companies submitted a motion requesting an extension of time until July 9, 1982, to file responses to all petitions to intervene. The Commission extended the time for filing responses until July 7, 1982.

On July 6, 1982, PSO, SWEPCO, CPL and WTU jointly filed an answer which addressed each of the allegations raised in the petitions to intervene. The companies state that since none of the petitioners allege a present likelihood of seeking service under the filed tariffs, the rates should be accepted without suspension or investigation, subject to the understanding that an investigation of the tariffs would be initiated upon the filing of a complaint alleging a present need for transmission service. Further, the companies state that the intervenors' requests for summary disposition raise, at most, disputed issues appropriate for hearing when it is shown that the tariffs will be used.

Discussion

Initially, we find that participation in this proceeding by each of the petitioners is in the public interest. Accordingly, their petitions to intervene will be granted.

As noted, PSO, SWEPCO, CPL, and WTU have included accumulated deferred investment tax credits (ADITC) as a separate component of their capital structures. This treatment is contrary to well-established Commission precedent.[5] Accordingly, summary disposition will be ordered as to this issue. It does not, however, appear necessary to require the companies to refile their costs of service and rates at this time to reflect the modified capital structures inasmuch as the filing companies are not seeking to apply the proposed tariff provisions to any particular customer.

The remaining requests for summary disposition will be denied. These issues, as well as the other matters raised by the intervenors, present questions of law or fact more appropriately resolved on the basis of an evidentiary hearing.

Our preliminary review of the filings submitted by PSO, SWEPCO, CPL, and WTU, and the intervenors' pleadings indicates that the proposed rates, terms, and conditions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed tariffs for filing and suspend their operation as ordered below.

The Commission explained its suspension policy in *West Texas Utilities Company*, Docket No. ER82–23–000 (February 26, 1982). In that order, we stated that where our preliminary examination indicates that proposed rates may be unjust and unreasonable, but may not be substantially excessive as described in *West Texas*, we shall suspend the rates for one day. In the case of the transmission tariffs submitted by PSO, SWEPCO, CPL, and WTU, preliminary review suggests that the proposed rates may not produce

[1] *See* Attachment A for rate schedule designations. The four filing utilities are wholly-owned subsidiaries of Central and South West Corporation.

[2] The proposed order was submitted in Docket Nos. EL79–8 and E–9558 by Central and South West Corporation and Houston Lighting and Power Company.

[3] The Texas Cooperatives include Mid-Tex Generation & Transmission Electric Cooperative, Inc., Coleman County Electric Cooperative, Inc., Concho Valley Electric Cooperative, Inc., Dickens Electric Cooperative, Inc., Gate City Electric Cooperative, Inc., Greenbelt Electric Cooperative, Inc., Lighthouse Electric Cooperative, Inc., McCulloch Electric Cooperative, Inc., Midwest Electric Cooperative, Inc. Rio Grande Electric Cooperative, Inc., Southwest Texas Electric Cooperative, Inc., Stamford Electric Cooperative, Inc., Taylor Electric Cooperative, Inc., Kimble Electric Cooperative, Inc., and Magic Valley Electric Cooperative, Inc.

[4] *Central Power & Light Company*, Docket No. ER82–159–000 involved a transmission service agreement between CPL and Houston Lighting and Power Company. The rates were accepted without suspension by the Commission's letter order of April 29, 1982.

[5] *E.g., Virginia Electric and Power Co.*, Opinion No. 118 (April 10, 1982); *Carolina Power and Light Co.*, Opinion No. 19 (August 2, 1979); *Public Service Company of New Mexico*, Docket No. ER81–187–000 (February 27, 1981); *Public Service Company of Oklahoma*, Docket No. ER78–511 (October 12, 1978); *Virginia Electric and Power Co.*, Docket No. ER78–522 (August 30, 1978).

substantially excessive revenues. Furthermore, the submittals provide for a new type of transmission service and the potentially affected customers have requested a nominal suspension. Therefore, we shall suspend the proposed tariffs for one day from the proposed effective date to byecome effective, subject to refund, on July 26, 1982.

We find the common questions of law and fact may be presented in Docket Nos. ER82–545–000 and ER82–546–000. As a result, we shall consolidate these dockets for purposes of hearing and decision.

With respect to the intervenors' request to consolidate the instant dockets with Docket No. ER82–159–000, we note that the identical request was recently denied by our order on rehearing in Docket No. ER82–159–000 (July 1, 1982). The rate filing in Docket No. ER82–159–000 was accepted for filing without suspension; the request to consolidate was denied on the basis that the intervenors' interests could be adequately protected in the instant dockets. Consistent with that determination, we shall also deny the current request for consolidation.

The Commission does not agree with the companies' assertion that an investigation of the tariffs should be deferred until a complaint is filed by a particular customer seeking service under the tariff. The filing should indicate to potential customers that terms and conditions that will apply to them in the event that they elect the tariff service. The petitioners are clearly potential customers, many of whom bargained for the instant tariffs as part of the settlement approved in Docket Nos. EL79–8 and E–9558. Further, some of the petitioners have indicated an interest in furture planning which might involve the instant transmission tariffs. Such planning could not be accomplished with certainty until many of the issues regarding the tariffs, particularly terms and conditions of use, are resolved. In any event, the Commission believes that it would be inappropriate to shift the burden to the intervenors of proving that the tariffs are unjust and unreasonable in a subsequent complaint proceeding inasmuch as the companies have not initially shown the tariff provisions to be just and reasonable.

With respect to the filing companies' request for a Commission order regarding their use of normalization accounting for ACRS depreciation purposes, we are able to conclude that the filings reflect a normalization method of accounting. However, further informatian and analysis will be required to determine whether the companies have properly culculated the effects of normalization in their cost of service studies.

The Commission orders:

(A) Summary disposition is hereby ordered, as noted in the body of the order, with respect to the inclusion by PSO, SWEPCO, CPL, and WTU of ADITC as a separate component in their capital structures. The companies shall reflect this summary disposition in their compliance cost of service filings and rates at the conclusion of these proceedings. The remaining motions for summary disposition are hereby denied.

(B) The transmission tariffs submitted by PSO, SWEPCO, CPL, and WTU are hereby accepted for filing and suspended for one day from the proposed effective date, to become effective on July 26, 1982, subject to refund.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the transmission tariffs filed by PSO, SWEPCO, CPL, and WTU.

(D) Docket Nos. ER82–545–000 and ER82–546–000 are hereby consolidated for purpose of hearing and decision. The request to consolidate with Docket No. ER82–159–000 is hereby denied.

(E) The petitions to intervene are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* That participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order of the Commission in this proceeding.

(F) The Commission staff shall serve top sheets in this proceeding on or before August 2, 1982.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promply publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Rate Schedule Designations

Designation and Docket No.

(1) *Public Service Company of Oklahoma,* FERC Electric Tariff, Original Volume No. 1 (Original Sheets No. 1–10), Docket No. ER82–545–000

(2) *Southwestern Electric Power Company,* FERC Electric Tariff, Original Volume No. 1 (Original Sheets No. 1–10), Docket No. ER 83–545–000

(3) *Central Power & Light Company,* FERC Electric Tariff, Original Volume No. 2 (Original Sheets No. 1–12), Docket No. ER82–546–000

(4) *West Texas Utilities Company,* FERC Electric Tariff, Original Volume No. 2 (Original Sheets No. 1–12), Docket No. ER82–546–000

[FR Doc. 82–20335 Filed 7–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6491–000]

Robbins Lumber, Inc.; Application for Preliminary Permit

July 22, 1982.

Take notice that Robbins Lumber, Incorporated (Applicant) filed on July 6, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6491 to be known as the Robbins Project located on the St. George River in the town of Searsmont, Waldo County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Fred J. Ayer, Kleinschmidt and Dutting, 75 Main Street, Pittsfield, Maine 04967.

Project Description—The proposed project would consist of: (1) A new 14-foot-high, 100-foot-long dam of composition to be determined, with 4-foot-high flashboards, replacing an existing breached dam; (2) a reservoir with a normal water surface elevation of 101.0 feet M.S.L. (in place of a water surface elevation currently at 95.4

M.S.L.) with negligible storage capacity; (3) a new powerhouse located immediately below the dam with turbine-generators with a total rated capacity of 127-kW; (4) a transmission line; and (5) appurtenant facilities. The project would generate up to 550,000 kWh annually. The Applicant owns the project property at the dam.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The cost of the studies under the preliminary permit has been estimated by the Applicant to be $32,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 12, 1982, the competing application itself [see: 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before October 4, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 4, 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. 82-20318 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5447-001]

D. William Saulsberry; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 23, 1982.

Take notice that on June 7, 1982, D. William Saulsberry, (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 (Project No. 5447) would be located on Little Boulder Creek in Trinity County, California. Correspondence with the Applicant should be directed to: Mr. D. William Saulsberry P.O. Box 68, Trinity Center, California 96091.

Project Description—The proposed project would consist of: (1) A 25-foot-long, 5-foot-high diversion structure; (2) a 3,200-foot-long, 18-inch-diameter conduit; (3) a 2,100-foot-long, 18-inch-diameter penstock; (4) a powerhouse to contain one generating unit with a rated capacity of 530 kW; and (5) a 7,700-foot-long, 12-kV transmission line from the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 1.74 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 State of California Department of Fish & 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, State, and local agencies are requested to provide any comments 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 presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before September 13, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or 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 4.33 (a) and (d) (1980).

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 13, 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. 82-20336 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-499-000]

Southern California Edison Co.; Refund Compliance Report

July 21, 1982.

The filing Company submits the following:

Take notice that on July 8, 1982, Southern California Edison Company filed a refund compliance report pursuant to the Commission's letter dated June 17, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 5, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20363 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-406-000]

Southern Natural Gas Co.; Application

July 22, 1982.

Take notice that on July 8, 1982, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP82-406-000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application 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 application should on or before August 12, 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20319 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-381-000]

Southern Natural Gas Co. and Transcontinental Gas Pipe Line Corp.; Application

July 22, 1982.

Take notice that on June 17, 1982, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-382-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to the public inspection.

It is stated that pursuant to a transportation and exchange agreement between Southern and Transco dated June 1, 1982, as amended April 27, 1981, Transco would deliver gas purchased from production from SONAT Exploration Company's (SONAT) Hart No. 1 Well in West Sandy Hook Field, Marion County, Mississippi, to Southern and Southern would deliver gas to be produced from Transco Exploration Company's Temple No. 1 Well and Woffard No. 1 Well in Spider Field, DeSoto Parish, Louisiana, to Transco. Applicants state that Southern would receive up to 3 billion Btu of gas per day delivered for the account of Transco at the Hart Well or such greater or lesser quantity as Southern may accept depending upon the operating conditions of its pipeline facilities and its own capacity requirements. Is is stated that Transco would receive an equivalent quantity of Spider Field gas delivered for the account of Southern or such greater or lesser quantity as Transco may accept from time to time depending upon the operations conditions of is pipeline facilities and its own capacity requirements.

Applicants anticipate that the quantities available to Transco from the

Hart Well would exceed the quantities of Spider Field gas available to Southern. Accordingly, Applicants propose to have Southern transport the excess gas from the Hart Well to the existing point of interconnection between the pipeline facilities of Southern and Transco near Jonesboro, Clayton County, Georgia, less 2.84 percent of the excess gas to account for compressor fuel and unaccounted for losses and less Transco's *pro rata* share of any gas which may be vented or lost for reasons other than negligence on Southern's part.

It is stated that Transco would compensate Southern for transporting such excess gas at a rate of 50.3 cents per million Btu of gas redelivered by Southern to Transco in or near Jonesboro.

It is asserted that the proposed service would enable Applicants to receive into their respective systems supplies of natural gas without having to construct and operate duplicative facilities.

Any person desiring to be heard or to make any protests with reference to said application should on or before August 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirement of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20307 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6409-000]

Southern Pacific Land Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 23, 1982.

Take notice that on June 7, 1982, Southern Pacific Land Company (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 (Project No. 6409) would be located on East Fork Trinity River, within the Shastra-Trinity National Forest, near Trinity Center, in Trinity County, California. Correspondence with the Applicant should be directed to: Mr. Erik A. Stendstedt, Southern Pacific Land Company, One Market Plaza, San Francisco, California 94105.

Project Description—The proposed project would consist of: (1) a 6-foot-high, 60-foot-long concrete diversion structure impounding a reservoir with negligible storage capacity; (2) a 21,000-foot-long, 72-inch-diameter steel conduit; (3) a 1,300-foot-long, 54-inch-diameter steel penstock; (4) a powerhouse containing two generating units with a total installed capacity of 4.81 MW; (5) a 2-miles-long, 12-kV transmission line from the powerhouse to a proposed powerhouse No. 1 which would be connected to an existing PG&E company transmission line. The Applicant estimates that the average annual energy production would be 15.4 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 California Department of Fish and Game are requested, for the purposes set forth in Section 40 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, State, and local agencies are requested to provide any comments 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 presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before September 13, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or 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 C.F.R. §4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

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 13, 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. 82-20337 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6142-001]

Robert T. Suter; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 26, 1982.

Take notice that on June 1, 1982, Robert T. Suter (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 (Project No. 6142) would be located on Dardanelles and Pond Creeks, within U.S. Bureau of Land Management and Bureau of Reclamation's property, in Placer County, California. Correspondence with the Applicant should be directed to: Mr. Randolph Rowland, P.E., Clendenen & Associates, Inc., 12405 Locksley Lane, Auburn, California 95603.

Project Description—The proposed project would consist of: (1) A 5-foot and 2-foot-high diversion structure on Dardanelles and Pond Creeks, respectively; (2) a 8-inch-diameter, 4,000-foot-long conduit from Dardanelles Creek, and a 2-foot-wide, 2,700-foot long ditch from Pond Creek; (3) a settling basin, 60-foot-long, 30-foot-wide, and 8-foot-deep; (4) a 6-inch-diameter, 1,660-foot-long penstock; (5) a powerhouse containing a generating unit with a rated capacity of 200 kW; and (6) appurtenant facilities. The Applicant estimates a 660,000 kWh average annual energy production.

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. Power would be sold to Pacific Gas and Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California 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, State, and local agencies are requested to provide any comments 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 presumed to have no comments. One copy of an agency's comments must be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before September 13, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or 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 4.33 (a) and (d) (1980).

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 13, 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 82-20308 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5597-000]

Elwin W. Stevens; Notice of Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 23, 1982.

Take notice that on November 2, 1981, Elwin W. Stevens (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. 5597 would be located on Poestenkill Creek in Rensselaer County, New York. Correspondence with the Applicant should be directed to: Mr. Elwin W. Stevens, 228 Brunswick Road, Troy, New York 12180.

Project Description—The proposed project would consist of: (1) An existing

masonry and concrete dam, 7 feet high and 28 feet long, with ponding walls varying in height from 3 to 6 feet and approximately 160 feet long; (2) a small impoundment with negligible storage and area; (3) a fiberglass penstock 120 feet long and 30 inches in diameter; (4) one 15-inch vertical Francis turbine operating under a head of 26 feet and rated at 59 horsepower; (5) a small elevated powerhouse containing one generator presently with a capacity of 15 KW but to be upground to 30 kW; (6) a short tailrace; and (7) appurtenant facilities. The average annual generator of 216,000 kWh would be used by the Applicant with any excess sold to the Niagara Mohawk Power Company.

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 New York State Department of Environmental Conservation 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, State, and local agencies are requested to provide any comments 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 presumed 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 13, 1982 either the competing license application that proposes 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 § 4.33 (a) and (d) (1980).

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 13, 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 82-20338 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-389-000]

Texas Eastern Transmission Corp.; Application

July 22, 1982.

Take notice that on June 12, 1982, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in docket No. CP82-389-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a storage and transportation service to assist nine of its resale customers in meeting their 1982-83 winter demands, 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 an agreement dated June 10, 1982, it has obtained 14,377,880 dekatherm (dt) equivalent of storage space from Consolidated Gas Supply Corporation (Consolidated) which storage space would be available to nine of Applicant's customers through April 15, 1983. It is further stated that during the 1982-83 withdrawal period Consolidated would on a best-efforts basis deliver to Applicant the storage gas of Applicant's customers as required at daily rates not to exceed 143,780 dt equivalent.

It is asserted that the quantity of natural gas involved in the storage and transportation service for each participating company is:

Customer	Maximum daily withdrawal quantity[1]	Total storage quantity[1]
Algonquin Gas Transmission Company	45,104	4,510,371
Brooklyn Union Gas Company	7,466	746,544
Central Hudson Gas & Electric Company	623	62,212
Long Island Lighting Company	12,444	1,244,240
New Jersey Natural Gas Company	6,912	691,238
Philadelphia Electric Company	7,776	777,650
Philadelphia Gas Works	18,663	1,866,360
Public Service Electric & Gas Company	43,548	4,354,841
United Cities Gas Company	1,244	124,425
Total	143,780	14,377,880

[1] Dekatherm equivalent.

Applicant states that it would store and deliver gas for its participating customers pursuant to its proposed new Rate Schedule ISS-II and at the rates provided for therein. The transportation and storage rate that Applicant proposes to charge under Rate Schedule ISS-II is a composite of Consolidated's charges for service under Rate Schedule GSS plus a charge for transportation

equal to the rates under Applicant's effective Rate Schedule TS–1. Applicant states that the demand charge, space charge, and injection charge are all charged to it on the basis of Consolidated's Rate schedule GSS which is passed on directly to Applicant's participating customers.

It is stated that under the terms of the proposed Rate Schedule ISS–II Applicant would withdraw quantities of natural gas for a customer's storage inventory not to exceed the maximum daily withdrawal quantity which is the maximum quantity of ISS–II gas that Applicant would be obligated to withdraw from storage for a customer on any day and deliver said quantity, to customer less applicable shrinkage which would be retained by Applicant for fuel and other company use.

Applicant further states that for those customers who nominate to receive gas under Rate Schedule ISS–II such gas that does not exceed a particular customer's combined total curtailment under all of Applicant's firm sales rate schedules on any one day would be defined as basic withdrawal gas and that the basic withdrawal rate includes the GSS withdrawal charge of 1.0 cent, adjusted for applicable shrinkage, plus the basic TS–1 transportation rate under Applicant's Rate Schedule TS–1. It is said that any natural gas delivered under Rate Schedule ISS–II that exceeds a customer's basic withdrawal gas on any one day would be defined as excess withdrawal gas. The rate for excess withdrawal gas includes the GSS withdrawal charge of 1.0 cent adjusted for applicable shrinkage plus the excess TS–1 transportation rate under Applicant's TS–1 Rate Schedule, it is asserted.

Applicant proposes to flow-through all of Consolidated's GSS storage charges to its customers under its Rate Schedule ISS–II.

Applicant proposes to provide the subject iterim storage service for a period ending April 15, 1983. Applicant states that the subject service is needed to provide the participating resale customers with additional winter deliverability for serving essential high-priority consumer requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 12, 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 82–20320 Filed 7–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–407–000]

Texas Gas Transmission Corp.; Application

July 22, 1982.

Take notice that on July 8, 1982, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP82–407–000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application 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 application should on or before August 12, 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 and permission and approval for the proposed abandonment are 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. 82–20321 Filed 7–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–385–000]

Transcontinental Gas Pipe Line Corp.; Application

July 22, 1982.

Take notice that on June 21, 1982, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82–385–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline looping and additional compression on its Leidy Line and certain market area facilities in Pennsylvania and New Jersey, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate certain pipeline looping and additional compression on its Leidy Line and on various market area facilities in Northampton, Monroe, Luzerne, Columbia, Lycoming, Clinton and Montgomery Counties, Pennsylvania, and in Somerset, Hunterdon, Warren, Burlington, Mercer, Morris and Essex Counties, New Jersey. Applicant proposes the following expansion of its Leidy Line which extends from the Leidy Storage Field near Tamarack, Pennsylvania, to a point of interconnection with certain market area facilities near Centerville, New Jersey:

(1) construct 36.42 miles of 36-inch pipeline loop from Leidy Storage Field (Leidy M.P. 194.05) to Station 520;

(2) construct 60.6 miles of 42-inch pipeline loop from Leidy M.P. 129.51 to Station 515;

(3) construct 57.51 miles of 42-inch pipeline loop from Leidy M.P. 57.51 to Station 505;

(4) install an additional 5,750 horsepower of compression at Station 520; and

(5) install an additional 10,600 horsepower of compression at Station 515.

Applicant further proposes the following construction on market area facilities in Pennsylvania and New Jersey:

(1) construct 37.83 miles of 24-inch pipeline, looping the 16-inch and 12-inch Tranton-Woodbury Lateral from the mainline to the Mt. Laurel meter station;

(2) construct 13.44 miles of 16-inch pipeline loop of the 16-inch and 8-inch Oreland and Ashmead Road Laterals;

(3) construct 2.74 miles of 10-inch pipeline loop of the 6-inch Trenton Lateral; and

(4) construct 21.31 miles of 36-inch pipeline loop from valve 505B20 to valve 505B60 on the Caldwell Loop.

Applicant states that the capacity of the Leidy Line under anticipated operating conditions after the proposed expansion program would be 2,069,567 Mcf per day and the market area facilities would be sufficient to effectuate delivery of the additional volumes.

Applicant states that the proposed facilities would cost $495,000,000 and would be financed initially through short-term loans and funds on hand with permanent financing to be arranged as part of Applicant's overall long-term financing program.

It is stated that the purpose of the proposed facilities is to expand the capacity of Applicant's system in its market area so as to effectuate delivery to Applicant's customers of Canadian natural gas supplies to be imported by Applicant and natural gas to be stored in storage facilities owned by others in Michigan and Ontario which storage would be offered to Applicant's customers as a new storage service. It is further stated that both the purchased Canadian quantities and the storage service quantities would be transported through the proposed Trans-Niagara Pipeline to a proposed interconnection with Applicant's existing Leidy Line at the Leidy Storage Field near Tamarack, Pennsylvania.

Applicant asserts that these base-load gas supply and winter peaking quantities are necessary to meet the increasingly temperature-sensitive, high-priority requirements of Applicant's customers.

Any person desiring to be heard or to make any protests with reference to said application should on or before August 13, 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 Natual 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 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, futher 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. 82-20322 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-55-000]

Transcontinental Gas Pipeline Corp.; Informal Settlement Conference

July 20, 1982.

Take notice that an informal settlement conference in the above-listed docket will be held August 4, 1982. Such informal conference will be at 10:00 a.m. and will include all interested persons desiring to engage in settlement discussions in this proceeding. The meeting place will be posted on the day of the conference on the second floor 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 attend, but if such persons have not previously been 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.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20351 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-383-000]

United Gas Pipe Line Co. and Southern Natural Gas Co.; Application

July 22, 1982.

Take notice that on June 18, 1982, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP82-383-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, United and Southern request authorization for the exchange of natural gas pursuant to an agreement

dated June 1, 1981. United and Southern propose to exchange up to 75,000 Mcf of gas per day on a firm basis and up to 40,000 Mcf of gas per day on an interruptible basis, it is stated. It is asserted that United would deliver or cause to be delivered to Southern at the St. Martin exchange point, St. Martin Parish, Louisiana, up to 75,000 Mcf of gas per day and that Southern would deliver or cause to be delivered to United at the Gwinville exchange point, Jefferson Davis County, Mississippi, the Sugar Bowl exchange point, Livingston Parish, Louisiana, the Monticello exchange point, Lawrence County, Mississippi, and the Livingston exchange point, Livingston Parish, Louisiana, an equivalent quantity of gas.

It is further stated that United would deliver or cause to be delivered on an interruptible basis to Southern at the Kosciusko exchange point, Atalla County, Mississippi, up to 40,000 Mcf of gas per day and that Southern would deliver or cause to be delivered to United at the Livingston exchange point an equivalent quantity of gas.

It is further asserted that United in its sole discretion would receive quantities of gas at the Gwinville exchange point, the Sugar Bowl exchange point and the Monticello exchange point in excess of the quantities to be exchanged on a firm basis. United, it is stated, would deliver or cause to be delivered to Southern an equivalent quantity of gas at the St. Martin exchange point, at the Bayou sale exchange point in St. Mary Parish, Louisiana, and/or the Perryville exchange point, Perryville, Louisiana.

It is asserted that the minor facilities necessary for such exchange have been installed by United under United's budget authorization. It is noted that the exchange agreement would extend for a primary term of 10 years and that there would be no charge to either party by the other since the benefits derived from the exchange are substantially equal.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 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 156.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20323 Filed 7-27-82; 8:45 am]

BILLING CODE 7717-01-M

[Docket No. EF82-5031-000]

Western Area Power Administration; Filing

July 21, 1982.

Take notice than on June 28, 1982, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy, by Rate Order No. WAPA-12, did confirm and approve, on an interim basis, effective on the first day of the first full billing period beginning on or after August 1, 1982, new rate schedules P-S-ED-F1, P-S-ED-FP1, P-S-WD-F1, P-S-WD-FP1, P-S-WD-T1, and P-S-WD-T2 for the Western Area Power Administration's (Western) Pick Sloan Missouri Basin Program.

The new rates will be in effect pending the Commission's approval of them, or substitute rates, on a final basis, or until they are superseded. The Assistant Secretary states that the rate schedules are submitted for confirmation and approval on a final basis pursuant to authority vested in the Commission by Delegation Order No. 0204-33.

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 Sections 1.8 and 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 intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20364 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-583-003]

Western Gas Interstate Co.; Notice of Petition To Amend

July 22, 1982.

Take notice that on June 17, 1982, Western Gas Interstate Company (Petitioner), 1800 First International Building, Dallas, Texas 75270, filed in Docket No. CP80-583-003 a petition to amend the order issued December 18, 1981, in Docket No. CP80-583 so as to authorize: (1) The addition of East Line system supply to the gas volumes exchanged and sold to Colorado Interstate Gas Company (CIG), (2) the sale of gas to CIG at a rate equal to the currently effective rate set forth in Petitioner's Rate Schedule G-N, (3) the addition of one point of delivery from Petitioner to CIG, (4) the construction and operation, in two phases, of a 250 horsepower compressor and a 350 horsepower compressor in lieu of the 100 horsepower compressor previously authorized, and (5) certification of 8,544 feet of existing 4-inch gathering line extending from Petitioner's East Line to CIG's transmission line, 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 dated December 18, 1981, Petitioner, in Docket No. CP80-583, was authorized to construct and operate certain compression and related facilities for the sale and exchange of natural gas and CIG was authorized, in Docket No. CP80-549, to transport and exchange gas with Petitioner. It is asserted that Petitioner delivers gas to CIG from three wells in Texas County, Oklahoma, and that CIG redelivers to Petitioner thermally equivalent volumes of gas, subject to fuel use, unaccounted for gas loss, and a 25 percent purchase option by CIG on volumes received from Petitioner.

It is stated that Petitioner and CIG entered into an amendment to a gas

transportation, exchange and sales agreement which provides for the delivery of additional gas supplies to CIG for transportation for Petitioner's account to delivery points certificated in the original authorization and further provides that CIG has an option to purchase up to 25 percent of the tendered volumes. It is asserted that CIG would pay Petitioner a rate equal to the rate established in Petitioner's Rate Schedule G–N for gas purchased. Petitioner states that the agreement further provides for the addition of a new delivery point from Petitioner to CIG on the East Line in Texas County, Oklahoma, and that the gas to be delivered under the agreement is gas that is excess to the East Line requirements.

Petitioner hereby requests authority to sell to and exchange with CIG additional gas supplies that it anticipates would be available to the East Line. It is stated that CIG would transport and redeliver the gas to Petitioner at delivery points originally authorized and that Petitioner would be able to purchase up to an additional 5,000 Mcf of gas per day. It is further stated that the new volumes would be gathered into Petitioner's East Line and thereafter transported and delivered to CIG at the delivery point authorized in the original certificate but that in order to make the delivery, Petitioner would have to transport the gas from its East Line facilities through 8,544 feet of 5-inch gathering line located in Texas County, Oklahoma. Petitioner therefore requests authority to operate facilities that are currently nonjurisdictional gathering facilities as part of its jurisdictional transmission facilities.

Additionally, Petitioner proposes to install two compressors and appurtenant facilities, in two phases. The first phase, it is stated, contemplates immediate installation of a 250 horsepower compressor and appurtenant facilities at an estimated cost of $218,700 and the second phase construction which must commence by October 31, 1983, involves the installation of a 350 horsepower compressor and appurtenant facilities at an estimated cost of $300,000. Such costs, it is asserted, would be financed from funds on hand.

Petitioner asserts that the proposed change to include East Line system supply would enable Petitioner to move gas from its East Line to its West Line during periods of over supply thus avoiding the expense of take-or-pay obligations. It is stated that although the amendments provide for a maximum delivery of 5,000 Mcf per day, Petitioner has at the present time only about 2,000 Mcf of natural gas available for this sale and exchange. However, Petitioner anticipates acquisition of additional volumes in the near future from new exploration and development production activity.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 12, 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. 82-20309 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6367–000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 22, 1982.

Take notice that on May 25, 1982, Western Hydro Electric, Incorporated (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 (Project No. 6367) would be located on Jefferson Creek in Mason County, Washington. Correspondence with the Applicant should be directed to: Mr. Donald J. White, Vice President Western Hydro Electric, Incorporated, Commercial Security Bank Building, Suite 600, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) a 26-foot-long, 5-foot-high diversion structure; (2) a 3,200-foot-long, 66-inch-diameter pipeline; (3) a 300-foot-long, 48-inch-diameter penstock; (4) a powerhouse to contain three generating units with a total installed capacity of 1,445 kW; and (5) a 6.5-mile-long, 12.5-kV transmission line. The Applicant estimates that the average annual energy production would be 5.9 GWh. The project is located within the Olympic National Forest.

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, the State of Washington Department of Fisheries, and State of Washington Department of 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, State, and local agencies are requested to provide any comments 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 presumed 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 proposes to develop at least 7.5 megawatts in that project, or 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 4.33(a) and (d) (1980).

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 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. 82-30324 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6437-000]

Western Hydro Electric, Inc.; Notice of Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 23, 1982.

Take notice that on June 16, 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 (Project No. 6437) would be located on Glacier Creek, near Glacier in Whatcom County, Washington, and occupy U.S. lands within Mt. Baker National Forest. Correspondence with the Applicant should be directed to: Donald J. White, Western Hydro Electric, Inc., Commercial Security Bank Building, Suite 600, 50 S. Main Street, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) a 6-foot-high, 50-foot-long concrete diversion structure; (2) an inlet structure; (3) a 6,600-foot-long, 66-inch-diameter penstock; (4) a powerhouse containing one generating unit rate 3,300 kW; and appurtenant facilities. The average annual energy generation is estimated to be 15.9 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 Washington Department of Fisheries and Department of 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, State, and local agencies are requested to provide any comments 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 presumed to have no comments. One copy of the 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 13, 1982 either the competing license application that proposes 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 § 4.33 (a) and (d) (1980).

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 13, 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. 82-20339 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-38-000]

Railroad Commission of Texas, Section 108 Determination, Conoco Inc., Lucie Mae Wilson No. 21 Well Round Top Field JD82-11283; Request for Withdrawal

July 21, 1982.

Take notice that on October 5, 1981, Conoco, Inc. (Conoco) filed with the Federal Energy Regulatory Commission (Commission) a request to withdraw its application for a section 108 well category determination under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (Supp. IV 1980). The determination for the subject well became final by operation of § 275.202 of the Commission's regulations on January 30, 1981.

Conoco states that a second application for an NGPA section 108 determination was filed on October 26, 1981, with the Railroad Commission of Texas (RRC) and the RRC fowarded its determination to the Commission on December 17, 1981. That determination became final on January 31, 1982, by operation of § 275.202 of the Commission's regulations.

Conoco now seeks to withdraw its application for the initial section 108 determination because during the initial 90-day qualifying period the well in question produced in excess of 3.0 barrels of oil per day in contravention of § 271.803(b) of the Commission's regulations. Conoco further states that it has filed with the Commission on January 8, 1982, the appropriate refund pursuant to § 273.302(f)(3) of the Commission's Regulations.

With respect to the question of refunds arising out of this request for withdrawal of the subject well category determinations, notice is hereby given that the question of whether refunds, plus interest as computed under § 154.102(d) of the Commission's regulations, will be required is a matter of subject to review and final determination of the Commission.

Any person desiring to be heard or to make any protest with reference to the requested withdrawal should file, on or before August 27, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of §§ 1.8 or 1.10 of the Rules of Practice and Procedure. 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 protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20325 Filed 7-27-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals has directed that $139,300 in refunds made available pursuant to a consent order entered into by C. K. Smith & Company, Inc. be distributed to customers who purchased No. 6 residual fuel oil from the firm during the consent order period.

DATE: Requests for adjustments in the refund mechanism specified must be received on or before August 27, 1982.

ADDRESS: Requests for adjustments should be addressed to C. K. Smith & Company, Inc., Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461. The request should refer to Case Number HEF-0006.

FOR FURTHER INFORMATION CONTACT: Thomas L. Wieker, Deputy Director, Office of Hearings and Appeals, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633-9834.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the final Decision and Order set out below. The Order provides for the disbursement of the contents of an escrow account funded by C. K. Smith & Company, Inc., pursuant to a consent order entered into be Smith and the DOE.

The Boston Support Office of the Office of Regional Counsel provided the names of the Smith customers during the period covered by the consent order. With the exception of a utility company, these customers were all end-users of the product purchased from Smith. Therefore, they were not able to pass on the alleged overcharges. Accordingly, the DOE determined that the $139,300 settlement fund made available by Smith, plus interest accumulated in the escrow account, should be distributed to those customers. Furthermore, since refunds received by the utility company which was a Smith customer will be factored into its rate-making system, those refunds would thereby be returned to ultimately overcharged end-users. Consequently, the DOE found that that public utility is also an appropriate refund recipient. However, the DOE was unable to ascertain the address of Bonte Industries, one of Smith's customers during the relevant period. The DOE therefore provided that Bonte's share of the refund and accumulated interest should be deposited into the United States Treasury. Finally, the DOE determined that refunds should not be disbursed to the Smith customers until 60 days after the issuance of the final Decision and Order, in order to permit the DOE to consider any requests for adjustment in the distribution process.

Requests for adjustments should be sent to the address set forth at the beginning of this notice. All requests should be received on or before August 27, 1982. All such requests will be available for public inspection between the hours of 1:00 and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1111, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Issued in Washington, D.C. on July 16, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Special Refund Procedures

July 16, 1982.

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matter of C. K. Smith & Company, Inc.

Date of Filing: November 3, 1981.

Case No.: HEF-0006

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) (now the Office of Special Counsel) may request the Office of Hearings and Appeals to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V.

In accordance with these regulatory provisions, the OE filed a Petition for the Implementation of Special Refund Proceedings in connection with a consent order entered into with C. K. Smith & Company, Inc. (Smith). Smith is a "reseller-retailer" of No. 6 residual fuel oil as that term was defined in 10 CFR 212.31 and 6 CFR 150.352. An audit of Smith's records revealed possible pricing violations with respect to the firm's sales of that product during the period December 20, 1973 through April 30, 1974. In order to settle all claims and disputes between Smith and the DOE regarding Smith's sales of No. 6 residual fuel oil during

that period, Smith and the DOE entered into a consent order on May 30, 1979, in which Smith agreed to pay $139,300 to the DOE. Notice of the consent order was published in the **Federal Register**. *See* 44 FR 39242 (July 5, 1979). Interested parties were invited to submit written notice to the DOE of potential claims against the settlement fund. A notice of claim and comments were received from the Braintree Electric Light Department (Braintree).

On April 28, 1982, the Office of Hearings and Appeals issued a Proposed Decision and Order tentatively setting forth procedures to distribute refunds to parties who were injured by the alleged Smith violations. 47 FR 19402 (May 5, 1982). In the Proposed Order we described a two stage process for distribution of the refunds made available by the Smith consent order. Specifically, in the first stage, we proposed to disburse funds to claimants who could demonstrate that they were adversely affected by the alleged overcharges in sales of No. 6 residual fuel oil by Smith during the applicable period. We also proposed several possible procedures for disbursing any funds remaining after meritorious claimants had received their shares. We stated that such funds might be distributed to the local governments in areas affected by the alleged overcharges, for the purpose of reducing energy-related expenses subject to the direct control of those governments. We also stated that remaining funds might be deposited in the United States Treasury. We suggested that the amount of money available for the second stage refund process would strongly influence the ultimate disposition of those funds.

Since the issuance of the Proposed Decision and Order, we have received from the Boston Support Office of the Office of Regional Counsel (the Support Office) specific information regarding the customers that were allegedly overcharged by Smith during the consent order period. (*1*) Relevant data provided by the Support Office is set forth in the Table below.

TABLE

Name and address of Smith customer	I		II	III
	Overcharge amount	x86.96% =	Amount of principal to be refunded [1]	Percentage of accumulated interest to be refunded
Town of Braintree, Electric Light Dept., 44 Allen Street, E. Braintree, MA 02134	$17,714		$15,404	11.0585
Cincinnati Milacron, P.O. Box 19321, Worcester, MA 01613	3,732		3,245	2.3298
Colonial Press, One Green Street, Clinton, MA 01510	3,426		2,979	2.1388
Corazzini Bros., One Blossom Street, Lexington, MA 02173	1,579		1,373	.9857
General Food, Jello Division, Atlantic Gelatin, Hill Street, Woburn, MA 01801	32,722		28,455	20.4276
Johnson Bros., East Street, Lexington, MA 02173	3,224		2,804	2.0127
KSP Realty, 43 Broad Street, Hudson, MA 01749	1,602		1,393	1.0001
Leslie Realty, 340 Main St., Rm. 366, Worcester, MA 01608	2,936		2,553	1.8329
Mass. Correctional Inst., 965 Elm Street, West Concord, MA 01742	3,130		2,722	1.9540
Mass. Correctional Inst., Loring Drive, Framingham, MA 01701	3,216		2,797	2.0077
Danvers State Hospital, Middleton Colony, Danvers, MA 01923	11,492		9,993	7.1742
Framingham State College, 100 State Street, Framingham, MA 01701	6,941		6,036	4.3331
University of Massachusetts, Medical School, Worcester, MA 01605	4,676		4,066	2.9191
Rutland Heights Hospital, Maple Avenue, Rutland, MA 01543	2,229		1,938	1.3915
Massachusetts DPW, Maintenance & Traffic, Wellesley, MA 02155	3,133		2,724	1.9559
Worcester State Hospital, 305 Belmont Street, Worcester, MA 01604	9,012		7,837	5.6260
Lyman School for Boys, Commonwealth of Mass., Westboro, MA 01581	2,032		1,767	1.2685
Salem State College, Commonwealth of Mass., Salem, MA 01970	4,182		3,637	2.6107
Middlesex County Hospital, 775 Trapello Road, Waltham, MA 02154	4,824		4,195	3.0115
Moore Fabrics, 881 Main Street, Pawtucket, RI 02860	1,023		890	.6386
New Bedford Housing, Bay Village, New Bedford, MA 02741	2,888		2,511	1.8029
Rand Whitney Corp., A-Grand Street, Worcester, MA 01610	1,993		1,733	1.2442
Paul Revere Life Insurance, 18 Chestnut Street, Worcester, MA 01608	2,024		1,760	1.2635
Rowland Industries, 300 Canal Street, Lawrence, MA 01890	3,143		2,733	1.9621
State Mutual Life, 440 Lincoln Street, Worcester, MA 01605	1,612		1,402	1.0063
Stream Associates, Inc., 720 Suffolk Street, Lowell, MA 01854	5,316		4,623	3.3187
St. Vincent Hospital, 25 Winthrop Street, Worcester, MA 01604	3,646		3,171	2.2761
Synthetic Mattress Corp., 22 Marguerite Avenue, Leominster, MA 01453	1,608		1,398	1.0038
Texas Instruments, Main Street Plant, Attleboro, MA 02703	4,952		4,306	3.0914
Wachusett Regional School Dist., 1401 Main Street, Holden, MA 01520	1,919		1,669	1.1980
West Dudley Paper, RFD 1, Southbridge, MA 015502	2,112		1,837	1.3185
Woonsocket Housing, 66 Morning Heights Blvd., Woonsocket, RI 02895	2,125		1,848	1.3266
Worcester City Hospital, 26 Queen Street, Worcester, MA 01610	2,088		1,816	1.3035
Bates Shoe, Park Street, Webster, MA 01570	82		71	.0512
Borite Industries [address unknown]	204		177	.1274
Coz Realty, Providence Road, Rt. 122, Northbridge, MA 01534	103		90	.0643
New Bedford Housing, Presidential Heights, New Bedford, MA 02741	138		120	.0862
Newport Electric, 45 Long Wharf Mall, Newport, RI 02840	259		225	.1617
Duralite Company, 120 Main Street, South Grafton, MA 01560	103		90	.0643
Slater Dye, 727 School Street, Pawtucket, RI 02860	72		63	.0449
Braintree Public School, 10 Tremont Street, Braintree, MA 02134	75		65	.0468
First Rep. of America, P.O. Box 630, Woonsocket, RI 02895	159		138	.0993
Rutland Heights Hospital, Maple Avenue, Rutland, MA 01543	101		88	.0631
Trombetta, Inc., P.O. Box 448, Marlboro, MA 01752	100		87	.0624
Bristol Commercial College, 64 Durfee Street, Fall River, MA 02720	59		51	.0368
Rhode Island Cardboard, Pawtucket, RI 02860	28		24	.0175
United Realty, 1220 Adams Street, Dorchester, MA 02171	170		148	.1061
Vogue Wall covers, 68 Falulah Street, Fitchburg, MA 01420	94		82	.0587
Windle Industries, 65 Canal Street, Milbury, MA 01527	97		84	.0606
Worcester County Courthouse, Worcester, MA 01613	90		78	.0562
Total	160,185		139,296	100

[1] Amount rounded off to the nearest dollar.

In our Proposed Order we stated that refunds should be distributed only to those customers that were able to demonstrate that they were injured by the alleged overcharges. However, we also pointed out that this showing should not be necessary for purchasers of the No. 6 fuel oil that were ultimate consumers. The Support Office has stated that all of the customers set forth in the Table, with the exception of Braintree, a public utility, were ultimate consumers of the Smith No. 6 residual fuel oil. We therefore believe that as end-users of that fuel oil, these customers are the appropriate recipients of the consent order funds. In our

Proposed Order we also stated that regulated public utilities would not be required to establish that they did not pass on the effects of the alleged overcharges. Since Braintree is a regulated utility, any refunds it receives pursuant to this proceeding would be factored into its ratemaking system, and thereby returned to the ultimate overcharged end-users. Therefore, Braintree is also an appropriate refund recipient.

The amount by which each customer was allegedly overcharged was determined by subtracting the maximum lawful selling price for the No. 6 residual fuel purchased by the customer from the actual price which Smith charged that customer, and then multiplying that amount by the number of gallons of fuel oil purchased by that customer. See Column I of the Table. The total overcharge allegedly received by Smith was $160,185. The consent order provides that Smith refund $139,300. Therefore, the settlement amount is sufficient to permit a payment to each firm of 86.96 percent of the alleged overcharge to that customer. The portion of the $139,300 fund to which each Smith customer is entitled is set forth in Column II of the Table.

The $139,300 settlement amount made available by Smith has been deposited in an interest bearing account pending determination of its proper distribution. The interest that has accumulated in that account should also be distributed to the allegedly overcharged customers identified by the Support Office. Since the amount of interest in that account increases daily, we are unable to establish at this time the precise dollar amount of the interest to which each customer is entitled. We have therefore determined that the most equitable system for distributing this additional money is to refund to each customer that percentage of the total interest accumulated which is the same as the percentage of the total overcharges it incurred:

$$\frac{\text{amount by which customer was overcharged}}{\$160{,}185} \times 100 = \text{percentage of accumulated interest to be distributed to customer}$$

That percentage is set forth in Column III of the Table.

The DOE has been unable to ascertain the location of one of the allegedly overcharged customers, Bonte Industries (Bonte). According to the Support Office, Bonte was allegedly overcharged $204 by Smith, and would therefore be entitled to a refund of $177, plus interest. In the April 28 Proposed Decision and Order we stated that we might distribute funds remaining after a first stage refund procedure had been completed to state and local governments for use in reducing energy related costs or for other types of refunds to residents. (2) However, we have determined that it would not be administratively efficient to distribute the sum of approximately $200 by engaging a second stage refund process. Therefore, the portion of the refund and accumulated interest which cannot be disbursed to Bonte should be deposited into the United States Treasury. (3)

Finally, the disbursement of funds as set forth above shall not be made until 60 days after the date of issuance of this Decision and Order in order to provide an opportunity for any aggrieved party to request an adjustment in the manner in which the refunds have been apportioned.

It Is Therefore Ordered that:

(1) The Director of the Office of Finance and Accounting, Washington Financial Services Division of the DOE's Office of the Controller shall disburse the deposit fund escrow account established at the Department of the Treasury for the C. K. Smith & Company, Inc. consent order funds as described in Paragraph (2) below.

(2) Each Smith customer listed in Column I below shall receive a refund in the amount indicated for that firm in Column II below, plus that percentage of the interest accumulated in the Smith escrow account which is specified in Column III below.

I	II	III
Name and address of Smith customer	Amount of principal to be refunded	Percentage of accumulated interest to be refunded
Town of Braintree, Electric Light Dept., 44 Allen Street, E. Braintree, MA 02134	$15,404	11.0585
Cincinnati Milacron, P.O. Box 19321, Worcester, MA 01613	3,245	2.3298
Colonial Press, One Green Street, Clinton, MA 01510	2,979	2.1388
Corazzini Bros., One Blossom Street, Lexington, MA 02173	1,373	.9857
General Food, Jello Division, Atlantic Gelatin, Hill Street, Woburn, MA 01801	28,455	20.4276
Johnson Bors., East Street, Lexington, MA 02173	2,804	2.0127
KSP Realty, 43 Broad Street, Hudson, MA 01749	1,393	1.0001
Leslie Realty, 340 Main St., Rm. 366, Worcester, MA 01608	2,553	1.8329
Mass. Correctional Inst., 965 Elm Street, West Concord, MA 01742	2,722	1.9540
Mass. Correctional Inst., Loring Drive, Framingham, MA 01701	2,797	2.0077
Danvers State Hospital, Middleton Colony, Danvers, MA 01923	9,993	7.1742
Framingham State College, 100 State Street, Framingham, MA 01701	6,036	4.3331
University of Massachusetts, Medical School, Worcester, MA 01605	4,066	2.9191
Rutland Heights Hospital, Maple Avenue, Rutland, MA 01543	1,938	1.3915
Massachusetts DPW, Maintenance and Traffic, Wellesley, MA 02155	2,724	1.9559
Worcester State Hospital, 305 Belmont Street, Worcester, MA 01604	7,837	5.6260
Lyman School for Boys, Commonwealth of Mass., Westboro, MA 01581	1,767	1.2685
Salem State College, Commonwealth of Mass., Salem, MA 01970	3,637	2.6107
Middlesex County Hospital, 775 Trapello Road, Waltham, MA 02154	4,195	3.0115
Moore Fabrics, 881 Main Street, Pawtucket, RI 02860	890	.6386
New Bedford Housing, Bay Village, New Bedford, MA 02741	2,511	1.8029
Rand Whitney Corp., A-Grand Street, Worcester, MA 01610	1,733	1.2442
Paul Revere Life Insurance, 18 Chestnut Street, Worcester, MA 01608	1,760	1.2635
Rowland Industries, 300 Canal Street, Lawrence, MA 01890	2,733	1.9621
State Mutual Life, 440 Lincoln Street, Worcester, MA 01605	1,402	1.0063
Stream Associates, Inc., 720 Suffolk Street, Lowell, MA 01854	4,623	3.3187
St. Vincent Hospital, 25 Winthrop Street, Worcester, MA 01604	3,171	2.2761
Synthetic Mattress Corp., 22 Marguerite Avenue, Leominster, MA 01453	1,398	1.0038
Texas Instruments, Main Street Plant, Attleboro, MA 02703	4,306	3.0914
Wachusett Regional School Dist., 1401 Main Street, Holden, MA 01520	1,669	1.1980
West Dudley Paper, RFD 1, Southbridge, MA 01550	1,837	1.3185
Woonsocket Housing, 66 Morning Heights Blvd., Woonsocket, RI 02895	1,848	1.3266
Worcester City Hospital, 26 Queen Street, Worcester, MA 01610	1,816	1.3035
Bates Shoe, Park Street, Webster, MA 01570	71	.0512
Coz Realty, Providence Road, Rt. 122, Northbridge, MA 01534	90	.0643
New Bedford Housing, Presidential Heights, New Bedford, MA 01741	120	.0862
Newport Electric, 45 Long Wharf Mall, Newport, RI 02840	225	.1617
Duralite Company, 120 Main Street, South Grafton, MA 01560	90	.0643
Slater Dye, 727 School Street, Pawtucket, RI 02860	63	.0449
Braintree Public School, 10 Tremont Street, Braintree, MA 02134	65	.0468
First Rep. of America, P.O. Box 630, Woonsocket, RI 02895	138	.0993
Rutland Heights Hospital, Maple Avenue, Rutland, MA 01543	88	.0631
Trombetta, Inc., P.O. Box 448, Marlboro, MA 01752	87	.0624
Bristol Commercial College, 64 Durfee Street, Fall River, MA 02720	51	.0368
Rhode Island Cardboard, Pawtucket, RI 02860	24	.0175
United Realty, 1220 Adams Street, Dorchester, MA 02171	148	.1061
Vogue Wall Covers, 68 Falulah Street, Fitchburg, MA 01420	82	.0587
Windle Industries, 65 Canal Street, Milbury, MA 01527	84	.0608
Worcester County Courthouse, Worcester, MA 01613	78	.0562
Total	139,119	99.8727

(3) The disbursement of funds as ordered in Paragraph (2) above shall be made sixty (60) days after the date of the issuance of this Decision and Order.

(4) The amount of $177 plus .1273 percent of the interest accumulated in the Smith escrow account, constituting the portion of the alleged overcharges incurred by Bonte Industries, shall be deposited in the United States Treasury. The $4.00 of the $139,300 principal which is undistributed due to the rounding off process shall also be deposited into the United States Treasury. Furthermore, any portion of the interest accumulated in the Smith escrow account which cannot be distributed due to rounding off of interest refund amounts shall be deposited into the United States Treasury.

(5) The determinations made in this Decision and Order are based upon the presumed validity of the documentary material submitted. Any of these determinations may be revoked or modified at any time upon a determination that the

factual basis underlying such determination is incorrect.

(6) This is a final Order of the Department of Energy.

Dated: July 16, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Footnotes

(1) The Smith consent order settles all disputes between the DOE and Smith for the period December 20, 1973 through April 30, 1974. However, the Support Office has informed us that Smith submitted evidence demonstrating that the firm's pricing policies were in compliance with DOE regulations beginning on January 2, 1974. Therefore, the alleged violation period actually extended from December 20, 1973 through January 1, 1974.

(2) We have received comments regarding our proposed second stage distribution plan from the following States: Maine, New York, Indiana, Idaho, Vermont, Oregon, and Connecticut. Not surprisingly, all these States strongly supported procedures which would distribute remaining funds to state governments. The Smith customers to whom refunds would be distributed pursuant to this Order are located in two States, Massachusetts and Rhode Island. Neither of these States filed any comments in this proceeding. Nor has any local government in the market area served by Smith filed any comments expressing a position with respect to the second stage distribution.

(3) Due to the rounding off process in our calculations of the refund to be disbursed to each customer, the sum of $4.00 out of the $139,300 principal remains undistributed. This amount should also be deposited into the United States Treasury.

[FR Doc. 82-20044 Filed 7-27-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Norway and Sweden

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 Agreements for Cooperation Between the Government of the United States of America and the Governments of Norway and Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer of fuel rods containing 50 kilograms of uranium, enriched to 3.55% in U-235, and 5 kilograms of uranium containing 13 grams of U-235, for irradiation in the Halden reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement, designated as RTD/NO(SW)-12 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.

For the Department of Energy.

Dated: July 22, 1982.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82-20467 Filed 7-27-82; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Floodplain/Wetlands Involvement Determination for Shiprock-Four Corners; 230- to 345-Kilovolt Transmission Line Uprate Proposal, San Juan County, New Mexico

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of floodplain/wetlands involvement and opportunity for comment.

SUMMARY: The Western Area Power Administration (Western) proposes to uprate the existing Shiprock-Four Corners Transmission Line from 230- to 345-kilovolts. The existing line is 8.3 miles long. Western proposes to modify existing steel lattice structures on the existing alignment. Insulator assemblies would be replaced and an additional conductor added to each phase. The structures would be modified by adding two new tower legs and concrete footings in opposite transverse faces.

Pursuant to the requirements of the U.S. Department of Energy's "Compliance with Floodplain/Wetlands Environmental Review Requirements" (10 CFR 1022), Western has determined that one existing structure is located in a floodplain defined by the Federal Emergency Management Agency's Flood Hazard Boundary Maps in Section 1 of Township 29 North, Range 16 West (S.1, T.29 N., R.16 W., NMPM). Maps and further information are available from Western at the addresses provided below. Public comments or suggestions regarding Western's activities in this particular floodplain are invited.

DATE: Any comments are due 15 days from the publication in the **Federal Register.**

ADDRESS: Send comments or suggestions to: Mr. Albert M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147, (801 524-5493.

FOR FURTHER INFORMATION CONTACT: Mr. Gary W. Frey, Director, Division of Environmental Affairs, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, (303) 231-1527.

Issued at Golden, Colorado, July 21, 1982.

Robert L. McPhail,

Administrator.

[FR Doc. 82-20161 Filed 7-27-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30220; PH-FRL 2176-2]

Certain Companies; Applications To Register Pesticide Products Containing New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered pesticide products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comment by August 27, 1982.

ADDRESS: Written comments, identified by the document control number [OPP-30220] and the file or registration number, should be submitted to the product manager (PM) cited at the address below: Registration Division (TS-767C, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: The product manager at the telephone number cited.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered pesticide products pursuant to provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

Applications Received

1. File Symbol: 100-AGL. Applicant: Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419. Product name: CGA-12223 Technical Insecticide. Active ingredient: *O*-(5-chloro-1-[methylethyl]-1*H*-1,2,4-triazol-3-yl) *O,O*-diethyl phosphorothioate 93.0%. Proposed classification/Use: Not applicable. For formulation into end-use insecticide products intended for domestic outdoor use-turf. (Product

Manage (PM) 16–William Miller (703–557–2600)).

2. File Symbol: 100–AGU. Applicant: Ciba-Geigy Corp. Product name: CGA–12223 1E. Insecticide. Active ingredient: *O*-(5-chloro-1-[methylethyl]–1*H*-1,2,4-triazol-3-yl) *O,O*-diethyl phosphorothioate 13.5%. Proposed classification/Use: General. For insect control in lawns. (PM 16–William Miller, (703–557–2600)).

3. File Symbol: 100–AGG. Applicant: Ciba-Geigy Corp., Product name: CGA–12223 1G. Insecticide. Active ingredient: *O*-(5-chloro-1-[methylethyl]–1*H*-1,2,4-triazol-3-y1) *O,O*-diethyl phosphorothioate 1.0%. Proposed classification/Use: General. For insect contol in lawns. (PM 16–William Miller, (703–557–2600)).

4. File Symbol: 11325–U. Applicant: Liquid Plastics Limited, P.O. Box 7, London Rd., Preston, PRI 4A] England. Product name: Biocidal Wash Super Concentrate. Disinfectant. Active ingredient: Chloromethylacetamide 1%, and poly(iminoimidocarbony-liminoimidocarbonylimino-hexamethylene) hydrochloride 0.8%. Total active ingredient—1.8%. Proposed classification/Use:General. For building surface wash. (PM–31–John Lee, (703–557–3663)).

5. File Symbol: 8818–G. Applicant: Searle Chemicals, Inc., P.O. Box 8526, Chicago, IL 60680. Product name: Metronidazole. Disinfectant. Active ingredient: 2-methyl-5-nitroimidazole-1-ethanol 97%. Proposed classification/Use: General. For the formulation of bactericides. (PM 31–John Lee, (703–557–3663)).

6. File Symbol: 1471–REA. Applicant: Elanco Products Co., 740 South Alabama St., Indianapolis, IN 46285. Product name: Sonar 5P. Herbicide. Active ingredient: Fluridone 1-methyl-3-phenyl-5-[3-trifluoromethyl)phenyl]-4(1*H*)-pyridinone 5%. Proposed classification/Use: General. For management of aquatic weeds in ponds, lakes, and reservoirs. (PM 23–Richard Mountfort (703–557–1830)).

7. File Symbol: 1471–RET. Applicant: Elanco Products Co. Product name: Sonar AS. Herbicide. Active ingredient: Fluridone 1-methyl-3-phenyl-5-[3-trifluoromethyl)phenyl]-4(1*H*)-pyridinone 5%. Proposed classification/Use: General. For management of aquatic weeds in ponds, lakes, and reservoirs. (PM 23-Richard Mountfort (703–557–1830)).

8. File Symbol: 100–AGE. Applicant: Ciba-Geigy Corp., Agricultural Division, PO Box 18300, Greensboro, NC 27419. Product name: Cyromazine Technical. Insecticide. Active ingredient: *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine 95%. Proposed classification/Use: General. For formulating into registered end-use products for nondomestic indoor/outdoor use. Type registration: Conditional. (PM 17–Franklin Gee (703–557–2690)).

9. File Symbol: 100–AGR. Applicant: Ciba-Geigy Corp., Product name: Larvadex 0.3% Premix. Insecticide. Active ingredient: *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine 0.3%. Proposed classification/Use: General. For fly control around poultry. Type registration: Conditional. (PM 17–Franklin Gee (703–557–2690)).

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: July 12, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–20085 Filed 7–27–82; 8:45 am]

BILLING CODE 6560–50–M

[PF–286; PH–FRL 2176–4]

Certain Companies; Pesticide, Food, and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide, food, and feed additive petitions relating to establishment of tolerances for residues of certain pesticide chemicals in or on certain raw agricultural commodities, and food and feed items.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF–286]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide, food, and feed additive petitions relating to establishment of tolerances for residues of certain pesticide chemicals in or on certain raw agricultural commodities, food and feed items in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

FAP 2H5356. Elanco Products Co., Division of Eli Lilly and Co., 740 South Alabama St., Indianapolis, IN 46285. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluoromethyl)phenyl]-4-(1*H*)-pyridinone) in potable water at 0.15 part per million (ppm). (PM–23, Richard Mountfort, 703–557–1800).

PP 2F2709. Elanco Products Co. Proposes amending 40 CFR Part 180 by establishing a tolerance for the combined residues of the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluoromethyl)phenyl]-4-(1*H*)-pyridinone) and its metabolite (1-methyl-3-(4-hydroxyphenyl)-5-[3-trifluoromethyl)phenyl]-4-(1*H*)-pyridinone) in commodity fish at 0.5 ppm. The proposed analytical method for determining residues is high pressure liquid chromatography. (PM–23, Richard Mountfort, 703–557–1800).

FAP 2H5344. Interregional Research Project No. 4, New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903. Proposes amending 21 CFR 561.98 by establishing a regulation permitting the combined residues of the insecticide chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl)phosphorothioate)

and its metabolite 3,5,6-tricholor-2-pyridinol in or on processed feed dried grape pomace at 2.0 ppm. (Hoyt Jamerson, 703–557–1192).

FAP 2H5357. Union Carbide Agricultural Products Co., PO Box 12014, T.W. Alexander Drive, Research Triangle Park, NC 27709. Proposes amending 21 CFR 193.186 by establishing a regulation permitting residues of the plant growth regulator ethephon [(2-chloroethyl)phosphonic acid] in or on the commodities milling fractions of barley and wheat at 5.0 ppm. (PM–25, Robert Taylor, 703–557–1800).

PP 2F2711. Union Carbide Co. Proposes amending 40 CFR 180.300 by establishing tolerances for residues of the plant growth regulator ethephon in or on the raw agricultural commodities grain of wheat and barley at 1.0 ppm; straw of wheat and barley at 10.0 ppm. The proposed analytical method for determining residues is gas chromatography using aflame detector (phosphorus mode). (PM–25, Robert Taylor, 703–557–1800).

PP 2F2705. BFC Chemicals, Inc., PO Box 2867, Wilmington, DE 19805, and Upjohn Co., Kalamazoo, MI 49001. Proposes amending 40 CFR 180.287 by establishing tolerances for the combined residues of the insecticide amitraz (*N'*-[2,4-dimethyl]-*N*-[[2,4-dimethylphenyl]-imino]methyl]-*N*-methylmethanimidamide) and its metabolites containing the 2,4-dimethylaniline moiety (calculated as parent compound) in or on the raw agricultural commodities citrus fruits at 1.5 ppm; fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm; and milk at 0.01 ppm. The proposed analytical method for determining residues is gas chromatography. (PM–12, Jay Ellenberger, 703–557–2386).

FAP 2H5353. BFC Chemicals, Inc., and Upjohn Co. Proposes amending 21 CFR 561.195 by establishing a regulation permitting the combined residues of the insecticide amitraz in or on the commodities dried citrus pulp and citrus molasses at 11.0 ppm. (PM–12, Jay Ellenberger, 703–557–2386).

PP 2E2692. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105. Proposes amending 40 CFR 180.1046 by establishing an exemption from the requirement of a tolerance for residues of dimethylformamide in or on the raw agricultural commodities cottonseed and onion (dry bulb) when used in accordance with good agricultural practices in formulations with the herbicide oxyfluorfen (2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene if such formulations contain not more than 12 percent of dimethylformamide. (PM–23, Richard Mountfort, 703–557–1830).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: July 13, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–20087 Filed 7–27–82; 8:45 am]

BILLING CODE 6560–50–M

[OPP–30106B; PH–FRL 2176–3]

Imperial Chemical Industries; Approval of Application To Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has approved the application by Imperial Chemical Industries Ltd. to register the disinfectant G–3460 containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: John Lee, Product Manager (PM) 31, Registration Division (TS–767C, Office of Pesticide Programs, Environmental Protection Agency, Rm. 301, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–3663).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of January 21, 1976 (41 FR 3117) that Imperial Chemical Industries Ltd., Alderley Park, Macclesfield, Cheshire, England, (U.S. Representative, ICI United States Ltd., Concord Pike and New Murphy Rd., Wilmington, DE 15897), had submitted an application to register Hibitane, a disinfiectant (EPA File Symbol 34812–R), containing 18.9 percent of the active ingredient 1,1'-hexamethylene-bis 5-(*p*-chlorophenyl) biguanide gluconate, an ingredient not included in any previously registered product.

The application was approved on June 1, 1982 under the product name "G–3460". The product was redesignated EPA registration No. 10182–47.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the freedom of Information Office (A–101), EPA, 401 M St., SW., Washington, DC 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: July 14, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 82–20088 Filed 7–27–82; 8:45 am]

BILLING CODE 6560–50–M

[OPP–50578; PH–FRL 2176–5]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

239–EUP–98. Issuance. Chevron Chemical Company, 940 Hensley St., Richmond, CA 94804. This experimental use permit allows the use of 2,250 pounds of the insecticide methamidophos on safflower to evaluate the control of aphids, armyworms, loopers and lygus. A total of 1,500 acres are involved; the program is authorized only in the States of Arizona and California. The experimental use permit is effective from April 30, 1982 to August 31, 1982. A temporary tolerance for residues of the active ingredient in or on safflower seeds has been established. A feed additive regulation for residues of the active ingredient in or on safflower meal has been established (21 CFR

561.277). (William Miller, PM 16, Rm. 211, CM#2, (703–557–2600))

100–EUP–71. Issuance. Ciba-Geigy Corporation, P.O. Box 11422, Greensboro, NC 27409. This experimental use permit allows the use of 5,121 pounds of the fungicide metalaxyl on cucumbers, leafy vegetables, melons, onions, soybeans, tomatoes, and vegetable bedding plants to evaluate the control of damping off, downy mildew, and root and stem rot. A total of 4,978 acres, 2,989 acres treated in 1982 and 1,989 acres treated in 1983, are involved. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oregon, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from June 4, 1982 to January 1, 1984. A temporary tolerance for residues of the active ingredient in or on broccoli; cabbage; cauliflower; cucumbers; dry bulb onions; green onions; head lettuce; melons; soybeans, soybean grain, fodder and forage; spinach; tomatoes and the eggs, milk, meat, fat and meat pyproducts of cattle, goats, hogs, horses, poultry and sheep has been established. A feed additive regulation for residues of the active ingredient in processed tomato pomace (dry and wet), soybean hulls, meal, and soapstocks has been established (21 CFR 561.273). A food additive regulation for residues of the active ingredient in processed tomato products has been established (21 CFR 193.277). (Henry Jacoby, PM 21, Rm. 227, CM#2, (703–557–1900))

100–EUP–74. Issuance. Ciba-Geigy Corporation, P.O. Box 11422, Greensboro, NC 27409. This experimental use permit allows the use of 360 pounds of the fungicide metalaxyl on soybeans to evaluate the control of damping off and root and stem rot. A total of 1,440 acres will be involved each year of the program. The program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and Wisconsin. The experimental use permit is effective from June 4, 1982 to April 30, 1984. A temporary tolerance for residues of the active ingredient in or on milk, eggs, meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry and sheep; soybean grain, fodder and forage has been established. A feed additive regulation for residues of the active ingredient in soybean hulls, meal, and soapstocks has been established (21 CFR 561.273). (Henry Jacoby, PM 21, Rm. 227, CM#2, (703–557–1900))

464–EUP–73. Issuance. Dow Chemical U.S.A., P.O. Box 1706, 9008 Building, Midland, MI 48640. This experimental use permit allows the use of 40,250 pounds of the herbicide triclopyr on forests to evaluate hardwood brush control and pine tolerance through pine release treatments. A total of 45,000 acres are involved; the program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. The experimental use permit is effective from July 15, 1982 to July 15, 1984. (Robert Taylor, PM 25, Rm. 251, CM#2, (703–557–1800))

1471–EUP–75. Issuance. Elanco Products Co., 740 South Alabama St., Indianapolis, IN 46285. This experimental use permit allows the use of 2,182 pounds of the fungicide alpha-(2-chloro-phenyl)-alpha-(4-chlorophenyl)-5-pyrimidinemethanol on apples and grapes to evaluate the control of cedar rust of apples, powdery mildew of apples and grapes, and scab. A total of 4,000 acres are involved; the program is authorized only in the States of California, Indiana, Michigan, New York, North Carolina, Ohio, Oregon, Pennsylvania, Virginia, and Washington. The experimental use permit is effective from March 18, 1982 to March 18, 1983. Temporary tolerances for residues of the active ingredient in or on apples and grapes have been established. (Henry Jacoby, PM 21, Rm. 227, CM#2, (703–557–1900))

3125–EUP–154. Issuance. Mobay Chemical Company, P.O. Box 4913, Kansas City, MO 64120. This experimental use permit allows the use of 66,700 pounds of the insecticide methamidophos on peanuts to evaluate the control of armyworms, *Heliothis* complex, leafhoppers, loopers, mites, thrips, and velvet bean caterpillars. A total of 4,500 acres will be involved each year of the program. The program is authorized only in the States of Alabama, Florida, Georgia, North Carolina, Oklahoma, South Carolina, Texas, and Virginia. The experimental use permit is effective from June 10, 1982 to June 10, 1984. Temporary tolerances for residues of the active ingredient in or on peanuts and peanut hulls have been established. A feed additive regulation for residues of the active ingredient in or on peanut meal has been established (21 CFR 561.277). (William Miller, PM 16, Rm. 211, CM#2, (703–557–2600))

4581–EUP–16. Extension. Pennwalt Corporation, Pennwalt Bldg., Three Parkway, Philadelphia, PA 19102. This experimental use permit allows the use of 9,696 pounds of the remaining supply of the insecticide methyl parathion on almonds, blueberries, conifers, cranberries, cucumbers, melons, ornamental turf, peanuts, peppers, southern peas, squash, strawberries, sugar active beets, sunflowers, sweet potatoes, turnips, and walnuts. Permanent tolerances for residues of the active ingredient in or on almonds, blueberries, cranberries, cucumbers, melons, peanuts, peas, peppers, squash, strawberries, sugar beets, sunflowers, sweet potatoes, turnips, and walnuts have been established (40 CFR 172). A total of 20,938 acres are involved; the program is authorized in all States except Alaska. The experimental use permit is effective from May 12, 1982 to May 12, 1984. (Jay Ellenberger, PM 12, Rm. 202, CM#2, (703–557–2386))

707–EUP–98. Issuance. Rohm and Haas Company, Independence Mall West, Philadelphia, PA 19150. This experimental use permit allows the use of 442 pounds of the herbicide ethyl ester of acifluorfen on soybeans to evaluate the control of weeds. A total of 576 acres are involved; the program is authorized in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, South Carolina, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, North Carolina, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from May 19, 1982 to May 19, 1983. This permit is being issued with the limitation that all crops are destroyed or used for research purposes only. (Richard Mountfort, PM 23, Rm. 253, CM#2, (703–557–1830))

264–EUP–62. Issuance. Union Carbide Agricultural Products Co., Inc., P.O. Box 12014, T. W. Alexander Dr., Research Triangle Park, NC 27709. This experimental use permit allows the use of 1,638 pounds of the plant growth regulator ethephon on small grain (cereal) crops to evaluate the product as an antilodging agent. A total of 3,530 acres are involved; the program is authorized in the States of Arizona, Arkansas, California, Colorado, Delaware, Idaho, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, Washington, Wisconsin, and Wyoming.

The experimental use permit is effective from April 20, 1982 to April 20, 1984. A temporary tolerance for residues of the active ingredient in or on small grain (cereal) crops has been established. (Robert Taylor, PM 25, Rm. 251, CM#2, (703–557–1800))

20954–EUP–21. Issuance. Zoecon Corporation, 975 California Ave., Palo Alto, CA 94304. This experimental use permit allows the use of the insecticide N—[2-chloro-4-(trifluoromethyl)phenyl]-*D*-valine(±)-alpha-cyano(3-phenoxyphenyl)methylester on field corn, forage, fruits, nuts, and vegetables to evaluate the control of various insects. A total of 239 acres are involved; the program is authorized only in the States of Arizona, California, Florida, Idaho, Michigan, Mississippi, New York, North Carolina, Ohio, Oregon, South Carolina, Texas, and Washington. The experimental use permit is effective from May 1, 1982 to May 1, 1984. This permit is being issued with the limitation that all crops are burned, plowed under, used as seed for planting, or used for research purposes only. (Franklin Gee, PM 17, Rm. 207, CM#2, (703–557–2690))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: July 15, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–20088 Filed 7–27–82; 8:45 am]

BILLING CODE 6560–50–M

[PP 1G2555/T383; PH–FRL 2176–1]

Nomuraea Rileyi; Establishment of an Exemption From Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established a temporary exemption from the requirement of a tolerance for residues of the fungus *Nomuraea rileyi* on all raw agricultural commodities.

DATE: This temporary exemption from the requirement of a tolerance expires June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Franklin Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–2690).

SUPPLEMENTARY INFORMATION: Abbott Laboratories, 14th & Sheridan Road, North Chicago, IL 60064, has requested the establishment of a temporary exemption from the requirement of a tolerance for residues of the fungus *Nomuraea rileyi* on all raw agricultural commodities. This exemption from the requirement of a tolerance was established in response to pesticide petition PP 1G2555.

This temporary exemption is to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 275–EUP–26 which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that the exemption from the requirement of a tolerance will protect the public health. Therefore, the temporary exemption from the requirement of a tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Abbott Laboratories must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption for the requirement of a tolerance expires June 14, 1983. Residues remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary exemption from the requirement of a tolerance. This temporary exemption from the requirement of a tolerance may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 34a(j)))

Dated: July 15, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–20084 Filed 7–27–82; 8:45 am]

BILLING CODE 6560–50–M

[OPP–180608; PH–FRL–2177–8]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests in the States listed below. Also listed below are twelve crisis exemptions initiated by certain States.

DATES: See each specific and crisis exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each specific and crisis exemption for the name of the contact person. The following information applies to all contact people: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Arizona Commission of Agriculture and Horticulture for the use of Triadimefon on grapes to control powdery mildew, effective from April 23, 1982 to June 30, 1982. (Jack E. Housenger)

2. Arkansas State Plant Board for the use of triphenyltin hydroxide on rice to control sheath blight, effective from May 6, 1982 to August 1, 1982. (Jack E. Housenger)

3. California Department of Food and Agriculture for the use of paraquat on rice to control annual broadleaf weeds and grasses, effective from May 6, 1982 to May 31, 1982. California had initiated a crisis exemption for this use. (Libby Welch)

4. Delaware Department of Agriculture for the use of permethrin on tomatoes to control the Colorado potato beetle, effective from April 20, 1982 to July 15, 1982. (Donald R. Stubbs)

5. Delaware Department of Agriculture for the use of phenmedipham on spinach to control postemergence weeds, effective from May 6, 1982 to November 1, 1982. (Libby Welch)

6. Delaware Department of Agriculture for the use of triadimefon on cucurbits (cucumbers, watermelons, cantaloupes, squash, and pumpkins) to control powdery mildew, effective from May 18, 1982 to October 15, 1982. (Jack E. Housenger)

7. Florida Department of Agriculture and Consumer Services for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine on poultry to control flies, effective from May 18, 1982 to December 15, 1982. (Donald R. Stubbs)

8. Florida Department of Agriculture and Consumer Services for the use of permethrin on field corn grown for seed to control budworm-earworm complex, effective from May 6, 1982 to May 5, 1983. (Donald R. Stubbs)

9. Idaho Department of Agriculture for the use of carbofuran on hops to control black vine and strawberry root weevils, effective from July 23, 1982 to August 1, 1982. (Libby Welch)

10. Idaho Department of Agriculture for the use of metribuzin on chickpeas (garbanzo beans) to control broadleaf weeds, effective from April 20, 1982 to July 31, 1982. (Patricia Critchlow)

11. Idaho Department of Agriculture for the use of propachlor on onions to control various weeds, effective from Arpil 23, 1982 to June 30, 1982. (Libby Welch)

12. Idaho Department of Agriculture for the use of s-(2,3,3-trichloroallyl) diisopropylghiocarbamate on chickpeas (garbanzo beans) to control wild oats, effective from April 20, 1982 to July 31, 1982. (Patricia Critchlow)

13. Idaho Department of Agriculture for the use of triadimefon on apples to control powdery mildew, effective from May 11, 1982 to June 30, 1982. (Libby Welch)

14. Idaho Department of Agriculture for the use of triadimefon on wheat to control stripe rust and leaf rust, effective from May 11, 1982 to August 31, 1982. (Patricia Critchlow)

15. Illinois Department of Agriculture for the use of propachlor on onions to control various weeds, effective from April 23, 1982 to December 31, 1982. (Libby Welch)

16. Illinois Department of Agriculture for the use of triadimefon on wheat to control powdery mildew and leaf rust, effective from May 11, 1982 to June 30, 1982. Illinois had initiated a crisis exemption for this use. (Patricia Critchlow)

17. Office of Indiana State Chemist and Seed Commissioner for the use of chlorothalonil on mint to control rust disease and Septoria leafspot, effective from April 28, 1982 to July 31, 1982. (Libby Welch)

18. Kansas Department of Agriculture for the use of Permetrin on irrigated field corn and field corn grown for seed, to control southwestern corn borer and European corn borer, effective from May 4, 1982 to October 1, 1982. (Donald R. Stubbs)

19. Governor of Louisiana for the use of triphenyltin hydroxide on rice to control sheath blight and stem rot, effective from May 6, 1982 to September 1, 1982. (Jack E. Housenger)

20. Main Department of Agriculture, Food and Rural Services for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine on poultry to control flies, effective from May 18, 1982 to November 30, 1982. (Donald R. Stubbs)

21. Maryland Department of Agriculture for the use of triadimefon on cucurbits (cucumbers, squash, cantaloupes, and pumpkins) to control powdery mildrew, effective from May 18, 1982 to October 1, 1982. (Jack E. Housenger)

22. Maryland Department of Agriculture for the use of permethrin on tomatoes to control Colorado potato beetles, effective from April 20, 1982 to October 15, 1982. (Donald R. Stubbs)

23. Michigan Department of Agriculture for the use of chlorothalonil on mint to control rust disease and Septoria leafspot, effective from April 28, 1982 to July 31, 1982. (Libby Welch)

24. Michigan Department of Agriculture for the use of oxyfluorfen on onions to control broadleaf weeds, effective from May 5, 1982 to March 1, 1983. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; the final determination was published in the **Federal Register** of June 23, 1982 (47 FR 27118). (Libby Welch)

25. Michigan Department of Agriculture for the use of permethrin on asparagus to control the climbing cutworm complex, effective from May 11, 1982 to June 30, 1982. (Jack E. Housenger)

26. Michigan Department of Agriculture for the use of permethrin on grapes to control climbing cutworms and grape flea beetles, effective from April 29, 1982 to July 1, 1982. Michigan had initiated a crisis exemption for this use. (Patricia Critchlow)

27. Michigan Department of Agriculture for the use of permethrin on peaches to control tarnished plant bugs, effective from May 14, 1982 to July 31, 1982. (Donald R. Stubbs)

28. Michigan Department of Agriculture for the use of propachlor on onions to control various weeds, effective from April 23, 1982 to August 31, 1982. (Libby Welch)

29. Minnesota Department of Agriculture for the use of asulam on flax to control wild oats, wild mustard, Canada thistle, smartweed, wild buckwheat, and foxtail, effective from April 23, 1982 to October 31, 1982. (Donald R. Stubbs)

30. Minnesota Department of Agriculture for the use of 2[1-(ethoxyimino) butyl]-5-[2-(ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one on soybeans to control wild proso millet, effective from May 6, 1982 to August 1, 1982. (Jack E. Housenger)

31. Minnesota Department of Agriculture for the use of oxyfluorfen on onions to control broadleaf weeds, effective from May 5, 1982 to May 1, 1983. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; the final determination was published in the **Federal Register** of June 23, 1982 (47 FR 27118). (Libby Welch)

32. Mississippi Department of Agriculture and Commerce for the use of triphenyltin hydroxide on rice to control sheath blight, sheath spot and/or stem rot, effective from May 6, 1982 to September 30, 1982. (Jack E. Housenger)

33. Mississippi Department of Agriculture and Commerce for the use of triadimefon on wheat to control leaf rust and stem rust, effective from May 11, 1982 to June 30, 1982. Mississippi had initiated a crisis exemption for this use. (Patricia Critchlow)

34. Montana Department of Agriculture for the use of triadimefon on wheat to control stripe rust and leaf rust, effective from May 11, 1982 to August 31, 1982. (Patricia Critchlow)

35. Nebraska Department of Agriculture for the use of permethrin on popcorn to control European corn borers, effective from May 4, 1982 to October 1, 1982. (Donald R. Stubbs)

36. Nebraska Department of Agriculture for the use of permethrin on field corn grown for seed and on irrigated field corn to control the

western bean cutworm and European corn borer, effective from May 4, 1982 to October 1, 1982. (Donald R. Stubbs)

37. New Jersey Department of Environmental Protection for the use of azinphos-methyl on carrots to control the carrot weevil, effective from April 23, 1982 to August 31, 1982. (Donald R. Stubbs)

38. New Jersey Department of Environmental Protection for the use of captafol on eggplants to control fruit rot and Phytophthora blight, effective from April 26, 1982 to November 15, 1982. (Patricia Critchlow)

39. New Jersey Department of Environmental Protection for the use of captafol on peppers to control pepper blight, effective from April 20, 1982 to October 31, 1982. (Patricia Critchlow)

40. New Jersey Department of Environmental Protection for the use of captafol on summer squash to control fruit rot and Phytophthora blight, effective from April 20, 1982 to October 31, 1982. (Patricia Critchlow)

41. New Jersey Department of Environmental Protection for the use of cyhexatin on eggplants to control two-spotted spider mites, effective from April 20, 1982 to October 1, 1982. (Patricia Critchlow)

42. New Jersey Department of Environmental Protection for the use of fenvalerate on eggplants to control Colorado potato beetles, effective from April 20, 1982 to December 1, 1982. (Patricia Critchlow)

43. New Jersey Department of Environmental Protection for the use of permethrin on tomatoes to control Colorado potato beetles, effective from April 20, 1982 to September 30, 1982. (Donald R. Stubbs)

44. New Jersey Department of Environmental Protection for the use of triadimefon on cucurbits (cucumbers, melons, squash, and pumpkins) to control powdery mildew, effective from May 18, 1982 to October 15, 1982. (Jack E. Housenger)

45. New Jersey Department of Environmental Protection for the use of triadimefon on grapes to control powdery mildew, effective from April 23, 1982 to September 30. 1982. (Jack E. Housenger)

46. New Jersey Department of Environmental Protection for the use of propachlor on onions to control various weeds, effective from April 23, 1982 to December 31, 1982. (Libby Welch)

47. New York Department of Environmental Conservation for the use of chlorpyrifos on dry bulb onions to control onion maggots, effective from May 6, 1982 to June 30, 1982. (Libby Welch)

48. New York Department of Environmental Conservation for the use of 3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide on lettuce to control lettuce drop, effective from May 17, 1982 to November 1, 1982. (Libby Welch)

49. New York Department of Environmental Conservation for the use of methomyl on pears to control the oblique banded leafroller and green fruitworm, effective from May 5, 1982 to July 31, 1982. (Libby Welch)

50. New York Department of Environmental Conservation for the use of vinclozolin on grapes to control Botrytis bunch rot, effective from April 29, 1982 to October 31, 1982. (Patricia Critchlow)

51. Ohio Department of Agriculture for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine on poultry to control flies, effective from May 1, 1982 to May 1, 1983. (Donald R. Stubbs)

52. Oregon Department of Agriculture for the use of chlorothalonil on wheat to control Septoria glume and leaf blotch, effective from May 14, 1982 to July 31, 1982. (Libby Welch)

53. Oregon Department of Agriculture for the use of metalaxyl on cucumber seeds to control *Pythium ultimum*, effective from May 11, 1982 to July 31, 1982. (Patricia Critchlow)

54. Oregon Department of Agriculture for the use of matelaxyl on raspberries to contreol root rot, effective from April 23, 1982 to November 30, 1982. (Libby Welch)

55. Oregon Department of Agriculture for the use of methiocarb on strawberries to control snails and slugs, effective from May 12, 1982 to June 1, 1982. (Libby Welch)

56. Oregon Department of Agriculture for the use of naphthaleneacetic acid on sweet cherries to control cracking and splitting, effective from April 23, 1982 to July 1, 1982. (Donald R. Stubbs)

57. Oregon Department of Agriculture for the use of oxamyl on peppermint to control mint nematodes and root lesion nematodes, effective from April 13, 1982 to December 1, 1982. (Jack E. Housenger)

58. Oregon Department of Agriculture for the use of propachlor on onions to control various weeds, effective from April 23, 1982 to July 31, 1982. (Libby Welch)

59. Oregon Department of Agriculture for the use of triadimefon on wine grapes to control powdery mildew, effective from April 23, 1982 to September 30, 1982. (Jack E. Housenger)

60. Oregon Department of Agriculture for the use of vinclozolin on grapes to control Botrytis bunch rot, effective from May 18, 1982 to October 31, 1982. (Patricia Critchlow)

61. Pennsylvania Department of Agriculture for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine on poultry to control flies, effective from May 18, 1982 to February 28, 1983. Pennsylvania had initiated a crisis exemption for this use. (Donald R. Stubbs)

62. Pennsylvania Department of Agriculture for the use of fenamiphos on bearing peach trees to control nematodes, effective from April 29, 1982 to June 15, 1982. (Patricia Critchlow)

63. Pennsylvania Department of Agriculture for the use of triadimefon on grapes for processing (excluding raisins) to control powdery mildew, effective from April 23, 1982 to September 30, 1982. (Jack E. Housenger)

64. South Carolina College of Agricultural Services for the use of fenvalerate on tomatoes to control tomato fruitworm, effective from April 16, 1982 to December 31, 1982. (Libby Welch)

65. Texas Department of Agriculture for the use of triphenyltin hydroxide on rice to control sheath blight and sheath spot, effective from May 6, 1982 to August 1, 1982. (Jack E. Housenger)

66. Virginia Department of Agriculture and Consumer Services for the use of permethrin on tomatoes to control Colorado potato beetles, effective from April 20, 1982 to October 1, 1982. (Donald R. Stubbs)

67. Virginia Department of Agriculture and Consumer Services for the use of triadimefon on grapes for processing (excluding raisins) to control powdery mildew, effective from April 23, 1982 to September 30, 1982. (Jack E. Housenger)

68. Washington Department of Agriculture for the use of carbofuran on cranberries to control root weevils, effective from May 17, 1982 to July 25, 1982. (Libby Welch)

69. Washington Department of Agriculture for the use of chlorothalonil on wheat to control Septoria glume and leaf blotch, effective from May 14, 1982 to July 31, 1982. (Libby Welch)

70. Washington Department of Agriculture for the use of metalaxyl on cucumber seeds to control *Pythium ultimum*, effective from May 11, 1982 to July 31, 1982. (Patricia Critchlow)

71. Washington Department of Agriculture for the use of metalaxyl on raspberries to control root rot, effective from April 23, 1982 to November 30, 1982. (Libby Welch)

72. Washington Department of Agriculture for the use of metribuzin on chickpeas (garbanzo beans) to control broadleaf weeds, effective from April 20, 1982 to July 31, 1982. (Patricia Critchlow)

73. Washington Department of Agriculture for the use of s-(2,3,3-trichloroallyl) diisopropyl-thiocarbamate on chickpeas (garbanzo beans) to control wild oats, effective from April 20, 1982 to July 31, 1982. (Patricia Critchlow)

74. Washington Department of Agriculture for the use of triadimefon on wine grapes to control powdery mildew, effective from April 23, 1982 to September 30, 1982. (Jack E. Housenger)

75. Washington Department of Agriculture for the use of vinclozolin on grapes to control Botrytis bunch rot, effective from May 18, 1982 to October 31, 1982. (Patricia Critchlow)

76. Wisconsin Department of Agriculture for the use of 3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide on lettuce to control lettuce drop, effective from May 17, 1982 to November 1, 1982. (Libby Welch)

77. Wisconsin Department of Agriculture for the use of 2-[1-(ethoxyimino) butyl]-5-[2-(ethylthio) propyl]-3-hydroxy-2-cyclohexen-1-one on soybeans to control wild proso millet, effective from May 6, 1982 to August 1, 1982. (Jack E. Housenger)

Crisis exemptions were initiated by the:

1. Arkansas State Plant Board on May 28, 1982, for the use of sodium chlorate on wheat as a desiccant. Since it was anticipated that this program would not be needed for more than 15 days, Arkansas did not request a specific exemption to continue it. The need for this program ended June 12, 1982. (Libby Welch)

2. California Department of Food and Agriculture on March 26, 1982, for the use of metalaxyl on tomatoes to control late blight. Since it was anticipated that this program would be needed for more than 15 days, California requested a specific exemption to continue it. The need for this program ended on June 10, 1982. (Jack E. Housenger)

3. California Department of Food and Agriculture on April 6, 1982, for the use of napropamide on spices to control weeds. Since it was anticipated that this program would be needed for more than 15 days, California requested a specific exemption to continue it. The need for this program is expected to last for one year. (Jack E. Housenger)

4. California Department of Food and Agriculture on April 23, 1982, for the use of propargite on sweet corn to control spider mites. Since it was anticipated that this program would be needed for more than 15 days, California requested a specific exemption to continue it. The need for this program is expected to last until October 31, 1982. (Libby Welch)

5. Florida Department of Agriculture and Consumer Services on April 9, 1982, for the use of metalaxyl on potatoes to control late blight. Since it was anticipated that this program would be needed for more than 15 days, Florida requested a specific exemption to continue it. The need for this program ended June 30, 1982. (Libby Welch)

6. Illinois Department of Agriculture on April 29, 1982, for the use of triadimefon on wheat to control powdery mildew and leaf rust. Since it was anticipated that this program would be needed for more than 15 days, Illinois requested a specific exemption to continue it. The need for this program ended on May 30, 1982. (Libby Welch)

7. Kentucky Department of Agriculture on May 4, 1982, for the use of triadimefon on wheat to control powdery mildew. Since it was anticipated that this program would not be needed for more than 15 days, Kentucky did not request a specific exemption to continue it. The program ended on May 19, 1982. (Libby Welch)

8. Mississippi Department of Agriculture and Commerce on April 9, 1982, for the use of triadimefon on wheat to control rust. Since it was anticipated that this program would be needed for more than 15 days, Mississippi requested a specific exemption to continue it. (Libby Welch)

9. New Jersey Department of Environmental Protection on April 29, 1982, for the use of trichlorfon on blueberries to control the gypsy moth. Since it was anticipated that this program would be needed for more than 15 days, New Jersey requested a specific exemption to continue it. The need for this program ended on June 5, 1982. (Jack E. Housenger)

10. Ohio Department of Agriculture on April 20, 1982, for the use of fenvalerate on bearing and nonbearing fruit and ornamentals to control the cicada. Ohio requested a safe level determination for the residues that will be on the orchard and vineyard crops. The need for this program ended on June 12, 1982. (Libby Welch)

11. Pennsylvania Department of Agriculture on May 3, 1982, for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine on poultry to control files. Since it was anticipated that this program would be needed for more than 15 days, Pennsylvania has requested a specific exemption to continue it. The need for this program is expected to last until February 28, 1983. (Libby Welch)

12. Wisconsin Department of Agriculture on May 15, 1982, for the use of oxyfluorfen on onions to control weeds. Since it was anticipated that this program would be needed for more than 15 days, Wisconsin has requested a specific exemption to continue it. The need for this program is expected to last until March 1, 1983. (Libby Welch)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: July 19, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Do. 82-20368 Filed 7-27-82; 8:45 am]

BILLING CODE 6560-50-M

[PP 2G2614/T384; PH-FRL 2178-2]

Rohm & Haas Co.; Establishment of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ANCTION: Notice.

SUMMARY: EPA has established a temporary tolerance for the combined residues of the fungicide mancozeb in or on the raw agricultural commodity soybeans. This temporary tolerance was requested by Rohm & Haas Company.

DATE: This temporary tolerance expires May 31, 1984.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: Rohm & Haas Company, Independence Mall West, Philadelphia, PA 19105, has requested, in pesticide petition PP 2G2614 the establishment of a temporary tolerance for the combined residues of the fungicide mancozeb (a coordination product of zinc ion and manganese ethylenebisdithiocarbamate containing 20 percent manganese, 2.5 percent zinc and 77.5 percent ethylenebisdithiocarbamate) in or on the raw agricultural commodity soybeans at 0.2 part per million (ppm).

This temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 707-EUP-100 which is being issued under the Federal Insecticide, Fungicide,and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that establishment of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has

been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Rohm & Haas Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires May 31, 1984. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data resulting from use of this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: July 20, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-20370 Filed 7-27-82; 8:45 am]

BILLING CODE 6560-50-M

[OPP-C31051A; PH-FRL 2178-1]

Sandoz, Inc. Application To Amend Registration of a Pesticide Product Involving a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to conditionally amend registration of the insecticide, Safrotin 4 Emulsifiable Concentrate Insecticide, a product involving a changed use pattern, pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fugicide, and Rodenticide Act (FIFRA) as amended.

DATE: Comments by August 27, 1982.

ADDRESS: Written comments, identified by the document control number [OPP-C31051A] and the file or registration number, should be submitted to: William Miller, Product Manager (PM) 16, Registration Division (TS-767C, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: William Miller, (703-557-2600).

SUPPLEMENTARY INFORMATION: Sandoz, Inc., Crop Protection, 480 Camino Del Rio South, San Diego, CA 92108, has submitted an application to conditionally amend registration of the pesticide product Safrotin (Registration Number 11273-22), containing 50 percent of the active ingredient propetamphos [(*E*)-1methylethyl 3-[[(ethylamino) methoxyphosphinothioyl]-2butenoate]. The amendment involves a changed use pattern for use in food areas of food handling establishments.

Notice of approval or denial of an application to register, or amend registration of, a pesticide product will be announced in the **Federal Register.** Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the product manager's offfice to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: September 16, 1982.

Robert Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-20369 Filed 7-21-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59091A; TSH FRL 2178-3]

Substituted Alkyl Polyalkylene Oxy Quaternary Ammonium Chloride Compound; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-82-23) under section 5 of the Toxic Substances Control Act (TSCA) on June 8, 1982. Notice of receipt of the application was published in the **Federal Register** of June 17, 1982 (47 FR 26236). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on July 16, 1982.

FOR FURTHER INFORMATION CONTACT: E. June Thompson, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. 2610, 401 M St., SW., Washington, D.C. 20460, (202-382-3741).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances complied by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either

approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On June 8, 1982, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM–82–23. The submission is for a substituted alkyl polyalkylene oxy quaternary ammonium chloride compound. The submitter claimed the compnay identity, manufacturing location, specific chemical identity and use as confidential business information. A maximum of 20,000 lbs (9,091 kg) will be produced and will be test marketed for a period not to exceed 9 months. During manufacture and processing of the test market chemical, as many as 35 workers will be potentially exposed to the new chemical substance 8 hours/day for approximately 14 days during the 9-month test marketing period. Other potential for exposure could occur during sampling, or through accidential spills or splashes. However, protective clothing (including rubber gloves and goggles) and equipment will be used by workers to minimize contact with the new chemical. At the site where the new chemical will be used, a maximum duration of dermal exposure to the test market substance would be approximately 2 hours/day for 10 days during the 9-month test market period.

A notice published in the Federal Register of June 17, 1982 (47 FR 26236) announced receipt of this application and requested comments on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the new chemical substance submitted under TM–82–23 will not present an unreasonable risk of injury to health or the environment under the specific conditions set out in the application. Although there are health and environmental effect concerns for the new test market chemical based on previously-reviewed structurally related compounds, these concerns are mitigated by the low exposure and release potential in this specific test market application. The Agency would require further evaluation of the new chemical substance under any other production, exposure, use, and release scenarios. The health concerns include teratogenic and tumor promotion potential, as well as expected ecotoxicity if the new chemical were released to the environment.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The application must maintain records of the date(s) of shipment(s) to the customer(s) specified in the application, and the quantities shipped in each shipment and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a period of 9 months commencing on the date of signature of this notice by the Assistant Administrator for Pesticides and Toxic Substances.

6. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: July 16, 1982.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 82–20372 Filed 7–27–82; 8:45 am]

BILLING CODE 6560–50–M

[PP 7G1939/T385; PH–FRL 2177–4]

Uniroyal, Inc.; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended a temporary tolerance for residues of the desiccant 2,3-dihydro-5,6-dimethyl-1,4-dithiin-1,1,4,4-tetraoxide in or on the raw agricultural commodity potatoes.

DATE: This temporary tolerance expires July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, that was published in the Federal Register of April 2, 1981 (46 FR 19987), announcing the renewal of a temporary tolerance for residues of the desiccant 2,3-dihydro-5,6-dimethyl-1,4-dithiin-1,1,4,4-tetraoxide in or on the raw agricultural commodity potatoes at 0.1 part per million (ppm). This temporary tolerance was issued in response to pesticide petition PP 7G1939, submitted by Uniroyal, Inc., 74 Amity Road, Bethany, CT 06525.

This temporary tolerance has been extended to permit the continued marketing of the raw agricultural commodity named above when treated in accordance with the provisions of experimental use permit 400–EUP–53, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that the extension of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Uniroyal, Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires July 1, 1983. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use

permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981, (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: July 20, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-20366 Filed 7-27-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 82-397 and 398; File Nos. BPH-810323AH and BPH-810818AL]

Affinity Communications, Inc. and Sacramento Valley Radio, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: July 7, 1982.

Released: July 19, 1982.

In the matter of applications of Affinity Communications, Inc., Colusa, California, Req: 107.5 MHz, Channel 298 B, 27.8 kW (H&V), 630 feet; and Sacramento Valley Radio, Inc., Williams, California, Req: 107.5 MHz, Channel 298 B, 29.5 kW (H&V), 650 feet; for construction permit for a New FM Station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Affinity Communications, Inc. (Affinity) and Sacramento Valley Radio, Inc. (Sacramento) for a construction permit for a new FM station.

2. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive they must be designated for hearing in a consolidated proceeding.

4. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determind the areas and populations which would receive primary aural service (1 mV/m or greater) from the proposals and the availability of other primary service to such areas and populations.

2. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

6. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-20290 Filed 7-27-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 82-399 and 82-400; File Nos. BPH-810403AC and BPH-810819AS]

Alpine Broadcasting Co. and Huron Shore Broadcasters Corp.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: July 7, 1982.

Released: July 21, 1982.

In the matter of applications of Alpine Broadcasting Co., Rogers City, Michigan, Req: 97.7 MHz, Channel 249A, 3 kW (H&V), 300 feet; and Huron Shore Broadcasters Corp.; Rogers City, Michigan, Req: 97.7 MHz, Channel 249A, 3 kW (H&V), 300 feet; for Construction permit for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of Alpine Broadcasting Company (Alpine) and Huron Shore Broadcasters Corporation (Huron), a motion to dismiss filed by Huron, and an opposition filed by Alpine.

2. *Alpine.* In its application, Alpine has incorporated by reference all of Section II (legal qualifications) from its application (BPH-790625AE) for a construction permit for a new FM station at Hart, Michigan. Staff review of section II from this incorporated application reveals that no Table II information was submitted with respect to William D. Burns, who is listed on Table I as an officer of Alpine. As a result, the staff is unable to determine whether Mr. Burns has any other relevant media interests. Accordingly, Alpine will be required to file an amendment with the presiding Administrative Law Judge listing any interest in broadcast stations, daily newspapers or cable television systems attributable to Mr. Burns.

3. In its motion of August 19, 1981, Huron requests that Alpine's application be dismissed because it violates the Commission's three-station regional concentration of control rule, § 73.240(a)(2), which prohibits any party from owning three broadcast stations where any two are located within 100 miles of a third and there is primary service overlap between any of the stations. Specifically, Huron states that Alpine owns stations WWRM(FM),

Gaylord Michigan, and WGRY(AM), Grayling, Michigan, and that these communities are located 49.81 and 68.02 miles, respectively, from Alpine's proposed new FM station at Rogers City, Michigan. Huron further points out that Gaylord and Grayling are located 24.82 miles apart. Finally, Huron submitted an engineering exhibit showing that the primary service contours of stations WWRM(FM), Gaylord, Michigan and WGRY(AM), Grayling, Michigan, overlap.

4. In its opposition, Alpine concedes that its application would trigger the three-station regional concentration rule. However, in order to avoid a violation of the rule, Alpine states that it is trying to sell station WGRY(AM), Grayling, Michigan, and that it would divest itself of this station as a condition to grant of a construction permit for a new FM station at Rogers City, Michigan. Accordingly, consistent with past precedent, we will require that, in the event Alpine's application is granted, the construction permit shall contain a condition that broadcast operations shall not commence until Alpine has divested itself of all interest in, and severed all connections with, station WGRY(AM), Grayling, Michigan.

5. *Huron.* All of Section II (legal qualifications) of Huron's application has been incorporated by reference from applications (BP–6028 and BML–2076) filed on August 15, 1947; and June 11, 1964, and Huron's annual ownership report (FCC Form 323) filed on May 25, 1979. However, the above-referenced applications have been retired to the Commission's archives and are no longer on file at the Commission's headquarters. Furthermore, the incorporated ownership report does not require that Huron report all relevant media interests of itself and its principals. Accordingly, Huron will be required to file an amendment with the presiding Administrative Law Judge, listing any interest in a daily newspaper or cable television system attributable to Huron or its 1%-or-greater shareholders.

6. Huron states in Exhibit No. L–1 that it controls (60%) station WHSB(FM), Alpena, Michigan, and that the 1 mV/m contour of this station would overlap the 1 mV/m contour of Huron's proposed new FM station at Rogers City, Michigan. However, to avoid a violation of the Commission's duopoly rule, § 73.240(a)(1), Huron requests that grant of its application be conditioned to require that Huron divest itself of its interest in WHSB(FM), Alpena, Michigan, prior to commencement of broadcast operations. Accordingly, in the event Huron's application is granted, such a condition will be required.

7. Data submitted by the applicants indicate that there would be significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time to be specified in a subsequent Order, upon the following issues:

(1) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(2) To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

10. It is further ordered, That Alpine file an amendment listing any interest in a daily newspaper or cable television system attributable to William D. Burns.

11. It is further ordered, That, in the event of a grant of the application of Alpine, the construction permit shall contain a condition that broadcast operations shall not commence until the permittee has shown that it has divested itself of all interest in, and severed all connections with station WGRY(AM), Grayling, Michigan.

12. It is further ordered, That Huron file an amendment listing any interest in a daily newspaper or cable television system attributable to Huron or its 1%-or-greater shareholders.

13. It is further ordered, That, in the event of a grant of the application of Huron, the construction permit shall contain a condition that broadcast operations shall not commence until the permittee has shown that it has divested itself of all interest in, and severed all connections with station WHSB(FM), Alpena, Michigan.

14. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

15. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82–20292 Filed 7–27–82; 8:45 am]

BILLING CODE 6712–01–M

[FCC 82–294; BC Docket Nos. 82–339—82–342 File Nos. BRCT–711 and BRCT–801015KE; BPCT–810113KI; BPCT–810115KE; BPCT–810115KF]

Faith Center, Inc. et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: June 23, 1982.

Released: July 6, 1982.

In the matter of applications of Faith Center, Inc., for renewal of license for Station KVOF–TV, San Francisco, California; West Coast United Broadcasting Co., San Francisco, California, for construction permit; Together Media Ministries, San Francisco, California, for construction permit; LDA Communications, Inc., San Francisco, California; for construction permit.

1. The Commission has before it for consideration the mutually exclusive applications of Faith Center, Inc. ("Faith Center") for renewal of its license for KVOF–TV, Channel 38, San Francisco, California,[1] and of West Coast United Broadcasting Company ("West Coast"), LDA Communications, Inc. ("LDA") and Together Media Ministries ("Together Media") for construction permits on Channel 38 in San Francisco.[2] Since the

[1] Faith Center's renewal application, BRCT–711, has been deferred since it was filed in 1977. (Its 1980 supplemental renewal application was assigned File No. BRCT–801015KE.)

[2] LDA also filed a motion for expedited action, which is rendered moot by this Order, and will be dismissed accordingly.

proposals are mutually exclusive, they must be designated for hearing, as specified *infra.*[3 4 5]

LDA Communications, Inc.

2. LDA has failed to submit proof of its compliance with the public notice (publication) requirements of Section 73.3580 of our rules, (47 CFR 73.3580), and will be ordered to do so, *infra.* In all other respects, LDA appears qualified to construct and operate as proposed, and its application will be set for hearing accordingly.[6]

West Coast United Broadcasting Company

3. West Coast appears qualified to construct and operate as proposed, and its application will be set for hearing accordingly.[7]

Together Media Ministries

4. Together Media appears qualified to construct and operate as proposed, and its application will be set for comparative hearing accordingly.

Faith Center, Inc.

5. In addition to KVOF–TV, San Francisco, California, Faith Center is the licensee of Stations KHOF(FM), Los Angeles, California, KHOF–TV, San Bernardino, California, and WHCT–TV, Hartford, Connecticut. By *Order and Notice of Apparent Liability,* FCC 78–674, released October 11, 1978, the Commission designated the renewal application (File No. BRCT–746, BC Docket No. 78–326) of Faith Center for KHOF–TV for hearing on issues to determine whether Faith Center had conducted fraudulent over-the-air fund raising and had refused to cooperate with Commission investigators. However, the issues were never resolved. The Administrative Law Judge dismissed the KHOF–TV application with prejudice, on the basis of the licensee's failure to prosecute its application by failing to respond to the Judge's order compelling responses to Broadcast Bureau discovery. FCC 80M–459, released March 7, 1980. The Commission affirmed the Judge's order, without resolution of the issues raised. *In re Faith Center, Inc. (KHOF–TV),* 82 FCC 2d 1, 48 RR 709 (1980).[8] The Court of Appeals affirmed the Commission's action in *Faith Center, Inc.* v. *F.C.C.,* D.C. Cir., Case Nos. 81–1648, 1649, April 7, 1982.

6. Additionally, after the Administrative Law Judge's dismissal of Faith Center's application for KHOF–TV, the Broadcast Bureau offered further evidence of abuse of process and misrepresentation by Faith Center in that case.[9] As the Commission affirmed the Judge's dismissal of Faith Center's application, however, it found it unnecessary to resolve the new issues, although it found that additional substantial and material questions as to Faith Center's character had been raised. *In re Faith Center, Inc. (KHOF–TV), supra* at 39. In the order designating Faith Center's renewal application for KHOF(FM) for hearing with two other mutually exclusive applications, all the unresolved issues were specified. *In re Faith Center (KHOF(FM)),* 89 FCC 2d 1054 (1982). The facts relating to Faith Center's fitness to remain a licensee based on its alleged misconduct specified above, will be resolved in that case. Accordingly, it would be redundant to designate those issues in this proceeding. A final determination as to Faith Center's qualifications will therefore be conditioned on the outcome of the KHOF(FM) proceeding. After the initial decision is rendered in the KHOF(FM) proceeding, the parties here can argue to the Administrative Law Judge the effect of those findings on Faith Center's qualifications to hold KVOF–TV. In the event that any of the issues 4(a) through 4(l) in the KHOF(FM) order (FCC 82–186) are not litigated in the KHOF(FM) comparative proceeding, they will be added to the comparative hearing ordered *infra.*

7. In its supplemental renewal application, Faith Center failed to supply any information regarding compliance with the ascertainment requirements in effect at that time, and did not file the required community leader checklist.[10] Faith Center also stated that ascertainment information was not put in its public inspection file as required by § 73.3526 of our rules (47 CFR 73.3526), and no reason was given for this omission. Its list of 1980 programs designed to meet the identified community problems did not indicate any correlation between those programs and those problems, and no problems-programs lists were submitted for 1979 or 1978. Faith Center indicated that these problems/programs lists also were not included in the station's public inspection file, and no reason was given for this omission. In light of these serious deficiencies, we are unable to conclude that Faith Center adequately ascertained the problems, needs and interests of its service area during the 1977–1980 license term, or that it broadcast programs which were reasonably reponsive to those problems, needs and interests. Furthermore, according to its application, KVOF–TV's total local programming in 1978 was less than one-fifth of that promised in the previous renewal application, and for 1979 it was less than one-sixtieth of that promised (totaling only 0.7% of the composite broadcast week). Faith Center has offered no explanation for this substantial discrepancy between its promise and its performance, or for the low overall totals of time given to the broadcast of locally originated programming. Appropriate issues will be added to the hearing on each of the above matters.

8. Accordingly, it is ordered, That the Motion for Expedited Action filed by LDA Communications, Inc. is dismissed.

9. It is further 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, at a time and place to be specified in a subsequent Order, upon the following issues:[11]

1. To determine with respect to Faith Center, Inc.:

(a) The efforts made by Faith Center to ascertain the problems, needs and interests of its service area during its 1977–1980 license term.

(b) Whether Faith Center broadcast programs during its 1977–1980 license

[3] 47 U.S.C. 309(e).

[4] There is also on file an application for the voluntary assignment of Faith Center's license for KVOF–TV to Hispanic-American Communications, Inc. (BALCT/800425KG), filed April 18, 1980. That application will be held in abeyance, pending the outcome of the comparative proceeding. *Jefferson Radio Co., Inc.* v. *F.C.C.,* 340 F. 2d 781, 2 RR 2090 (1964); *Peoria Community Broadcasters, Inc. (WWCT (FM)),* 79 FCC 2d 311 (1980); cf. *Andromeda Broadcasting System, Inc.,* 67 FCC 2d 307 (1978).

[5] The decision to accept and consider mutually exclusive applications for this facility, rather than to authorize a distress sale, was made by the Commission in *Faith Center, Inc.,* FCC 80–627, released November 6, 1980, 48 RR 2d 741, *recon. den., Faith Center, Inc.,* 86 FCC 2d 891 (1981).

[6] Applicant relies upon a bank loan for the funds necessary to construct and operate as proposed. Its principals have agreed to guarantee the loan as required in the bank's commitment letter. Although the bank letter does not specify what additional collateral, if any, may later be required, the commitment letter is sufficient in all significant respects. Thus, no issue is required in this regard.

[7] *Id.*

[8] *Recon. den.,* FCC 81–235, released May 12, 1981.

[9] That evidence is discussed in *In re Faith Center Inc. (KHOF–TV), supra* at 37–39.

[10] In exhibit 3 of its supplemental renewal application, under the heading "Ascertainment and Annual List," Faith Center states: "The licensee has conducted periodic ascertainment the results of which will be reported by amendment." Eighteen months later, such amendment has not been filed.

[11] Our determination that Faith Center, Inc. possesses the basic qualifications to remain a Commission licensee is conditioned upon the outcome of the KHOF(FM) proceeding. See paragraphs 5, 6, *supra.*

term which were reasonably responsive to the community problems, needs, and interests.

(c) Whether Faith Center failed to include its ascertainment information and results or its problems/programs list in its public inspection file, as required by Section 73.3526 of the Commission's rules.

(d) Whether Faith Center has carried out in good faith the representations made in its 1977 renewal application as to proposed total local programming.

(e) The effect of the evidence adduced pursuant to the above issues on Faith Center's basic and/or comparative qualifications.

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, if any, should be granted.

10. It is further ordered, That this case be assigned to the same Administrative Law Judge presently presiding in the KHOF(FM) comparative proceeding, BC Docket Nos. 82-212, 213, 214.

11. It is further ordered, That LDA Communications, Inc., shall publish local notice of its application (if it has not already done so) as required by § 73.3580(f) of the Commission's Rules and file a statement of publication with the Administrative Law Judge within 40 days after this Order is published in the Federal Register.

12. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and 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.

14. It is further ordered, That the Secretary shall send, by Certified Mail-Return Receipt Requested, a copy of this Memorandum Opinion and Order to each of the parties to this proceeding.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-20286 Filed 7-27-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 82-422—82-424; File Nos. BPCT-820209KE; BPCT-820415KJ; BPCT-820415KK]

Harbour Broadcasting Corp., et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: July 13, 1982.

Released: *July 21, 1981.*

In the matter of applications of The Harbour Broadcasting Corp., Pensacola, Florida; Telecommunications Partners, Ltd., Pensacola, Florida; Pensacola Television, Ltd., Pensacola, Florida; for construction permit.

1. The Commission by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above mutually exclusive applications of The Harbour Broadcasting Corporation (Harbour), Telecommunications Partners, LTD. (Telecommunications), and Pensacola Television, LTD. (Pensacola) for authority to construct a new commercial television station on Channel 33, Pensacola, Florida.

2. Harbour's and Telecommunications' proposed towers are to be located 1.87 miles from the directional tower of AM station WCOA, Pensacola, Florida. Because of the proximity of each applicant's proposed tower to WCOA, any grant of a construction permit to either applicant will be conditioned to ensure that WCOA's radiation pattern is not adversely affected by the construction of the proposed station.

The Harbour Broadcasting Corporation

3. An applicant for a new station may certify that it has sufficient net liquid assets on hand, or from committed sources of funds to construct its proposed facility and operate for three months, without revenue. Harbour has not demonstrated that it is financially qualified. To remedy this, Harbour will be permitted, if it can, to certify to the presiding Administrative Law Judge, on or before August 26, 1982, that it is financially qualified to construct and operate for three months. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues.

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

6. It is further ordered, That any grant of construction permit to Harbour or Telecommunications will be subject to the following condition:

Prior to the construction of the TV tower authorized herein, permittee shall notify AM station WCOA so that the AM station may determine operating power by the indirect method and, if necessary, request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the AM station. Both prior to construction of the TV tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by § 73.154(a) of the Commission's Rules, shall be conducted to establish that the array of the AM station has not been adversely affected. The results shall be submitted to the Commission and the AM station. Thereafter, the TV station may commence *Limited Program Tests.*

7. It is further ordered, That Harbour Broadcasting Corporation may file certification as set forth in FCC Form 301, January 1982, with the presiding Administrative Law Judge, on or before August 26, 1982, to show that it is financially qualified, if it can, to construct its proposed facility and operate for three months.

8. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications

Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 82-20291 Filed 7-27-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 82-395 and 82-396; File Nos. BPH-810420AJ and BPH-810629AE]

Inspirational Radio Co. and Sun Belt Communications, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: July 6, 1982.

Released: July 21, 1982.

In the matter of Applications of Inspirational Radio Co., El Dorado, Arkansas, Req: 95.9 MHz, Channel 240, 3 kW (H&V), 300 feet; and Sun Belt Communications, Inc., El Dorado, Arkansas, Req: 95.9 MHz, Channel 240, 3 kW (H&V), 300 feet; for construction permit for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Inspirational Radio Company (Inspirational) and Sun Belt Communications, Inc. (Sun Belt).

2. *Inspirational.* Section 73.2080(c) of the Commission's Rules requires each applicant for a new FM broadcast station which will have five or more full-time employees to file Section VI of FCC Form 301 (Equal Employment Opportunity). Inspirational has indicated it will have five employees, but has not differentiated full and part-time employees. Accordingly, we will require Inspirational to file a statement with the presiding Administrative Law Judge as to the number of full and part-time employees proposed, and, if necessary, Section VI of FCC Form 301.

3. Section 1.1311 of the Commission's Rules requires applicants for new FM stations to file an environmental narrative statement if the proposed antenna tower will be greater than 300 feet in height above ground. Inspirational proposes to construct a tower of 325 feet. Inspirational provided a very brief statement, missing most of the information required by § 1.1311 of the Rules. Therefore, we shall require Inspirational to provide the presiding Administrative Law Judge with an environmental narrative statement which contains the information called for by § 1.1311.

4. *Sun Belt.* Section 73.3580 requires applicants to give local public notice of the filing of their applications. Section 73.3580(F)(9) requires that part of the local public notice contain a statement that a copy of the application is on file in the community in which the main studio will be located. Sun Belt proposes a main studio in El Dorado. However, its local public notice stated that the application was available for review in Little Rock. Accordingly, we shall require Sun Belt to republish its local public notice, to ensure that the application is available for review in El Dorado, and to file copy of this local public notice with the presiding Administrative Law Judge.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. Since no determination has been reached that the antenna towers proposed by the applicants would constitute a menace to air navigation, an issue regarding this matter is required.

7. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower heights and locations proposed by the applicants.

2. To determine, which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applicants should be granted.

9. It is further ordered, That Inspirational file with the presiding Administrative Law Judge a statement of the number of full-time employees of the proposed station, and a Section VI to FCC Form 301 if required.

10. It is further ordered, That Inspirational file with the presiding Administrative Law Judge an environmental narrative in compliance with § 1.1311 of the Commission's Rules.

11. It is further ordered, That Sun Belt file with the presiding Administrative Law Judge a copy of its local public notice which indicates the location within the community of El Dorado where a copy of its application will be reviewed.

12. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

13. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

14. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division
Broadcast Bureau.

[FR Doc. 82-20293 Filed 7-27-82; 8:45 am]

BILLING CODE 6712-01-M

Knoxville Broadcasting Corp. et. al.; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: July 7, 1982.

Released: July 16, 1982.

In re applications of Knoxville Broadcasting Corp., Knoxville, Tennessee, BC Docket No. 82-382, File No. BPCT-810209KE; Edward M. Johnson, Maryville, Tennessee, BC Docket No. 82-383, File No. BPCT-810610KE; Community Broadcasters of Knoxville, Inc., Knoxville, Tennessee, BC Docket No. 82-384, File No. BPCT-810612KE; East Tennessee Broadcasting,

Knoxville, Tennessee, BC Docket No. 82-385, File No. BPCT-810612KF; Tennessee Telecorporation, Inc., Knoxville, Tennessee, BC Docket No. 82-386, File No. BPCT-810615KG; Local Service Television, Inc., Knoxville, Tennessee, BC Docket No. 82-387, File No. BPCT-810615KK; Knoxville Tennessee T. V., Inc., Knoxville, Tennessee, BC Docket No. 82-388, File No. BPCT-810615KM; Citizens Community Television, Inc., Knoxville, Tennessee, BC Docket No. 82-389, File No. BPCT-810615KQ; Knoxmedia, Inc., Knoxville, Tennessee, BC Docket No. 82-390, File No. BPCT-810615KR; Tennessee Telecasting, Inc., Maryville, Tennessee, BC Docket No. 82-391, File No. BPCT-810615KT; H H S, Inc., Knoxville, Tennessee, BC Docket No. 82-392, File No. BPCT-810615KX; Le Conte Broadcasting Co., Inc., Knoxville, Tennessee, BC Docket No. 82-393, File No. BPCT-810615KY; South Central Broadcasting Corp., Knoxville, Tennessee, (WTVK-TV) BC Docket No. 82-394, File No. BMPCT-810615LA; for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority has before it the above mutually exclusive applications of Knoxville Broadcasting Corp. (Knoxville Broadcasting); Edward M. Johnson, (Johnson); [1] Community Broadcasters of Knoxville, Inc. (Community); East Tennessee Broadcasting (East Tennessee); Tennessee Telecorporation, Inc. (Tennessee Telecorp.); Local Service Television, Inc. (Local); Knoxville Tennessee T.V., Inc., (Tennessee T.V.); Citizens Community Television, Inc. (Citizens); Knoxmedia, Inc. (Knoxmedia); Tennessee Telecasting, Inc. (Tenn Tel); HHS, Inc. (HHS); Le Conte Broadcasting Company, Inc. (Le Conte); and South Central Broadcasting Corporation (SCBC) for authority to construct a new commercial television station on Channel 8, Knoxville, Tennessee.

2. Two of the applicants, Johnson and Tenn Tel, specify Maryville as the city of license while the others specify Knoxville. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, whether a new station in Maryville or Knoxville would best provide a fair, efficient, and equitable distribution of television service. If the Section 307(b) issue is not determinative (the applicants would serve substantial areas in common), all applicants can be considered under the comparative issue.

3. The applications of Knoxville Broadcasting, Community, East Tennessee, Local, HHS, and Tennessee T.V., propose to use the same type of antenna, directional pattern and similar transmitter location. Each purports to demonstrate that it will provide "equivalent protection" to short-spaced co-channel Station WDCN-TV, Nashville, Tennessee. However, staff analysis of the proposed operations reveals that, between the azimuths of 212-215 degrees True the effective radiated powers exceed the maximum values required to afford WDCN-TV "equivalent protection". These applicants will be required to amend their applications to further reduce radiation towards WDCN-TV, providing "equivalent protection" calculated in accordance with the method specified in Docket 20418.

4. The application of Johnson did not include a horizontal plane pattern for its proposed directional antenna. Accordingly, the staff cannot determine whether "equivalent protection" will be provided to Station WGTV-TV, Athens, Georgia. This applicant will be required to amend its application with an appropriate horizontal plane pattern for its proposed directional antenna along with a showing that "equivalent protection", calculated in accordance with the method specified in Docket 20418, will be provided to WGTV-TV.

5. The applications of Tennessee Telecorp., Citizens, Knoxmedia, Tenn Tel, Le Conte and SCBC indicate that they will provide "equivalent protection" to WGTV and WDCN-TV. Accordingly, a grant of any one of these applications will be appropriately conditioned.

6. No determination has been reached that the tower heights and locations proposed by Johnson, Community, East Tennessee, Tenn Tel and Le Conte would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

7. Applicants for new broadcast stations are required by § 73.3580 of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission certification of compliance with the requirements as described in § 73.3580(h). We have no evidence that Knoxmedia and SCBC have published the required local notice. To remedy this, Knoxmedia and SCBC will each be required to file with the presiding Administrative Law Judge certification of compliance with § 73.3580 within 30 days after this Order appears in the **Federal Register.**

Community Broadcasters of Knoxville, Inc.

8. On March 31, 1982, Community filed an amendment to its application pursuant to § 1.65 of the Commission's Rules. On April 21, 1982, Knoxville Broadcasting filed an opposition to acceptance of the amendment because, if accepted, the amendment, which was filed after the "B" cut-off date, would improve Community's comparative position. We have reviewed the amendment and we conclude that good cause exists for accepting the amendment. However, Community will not be allowed to accrue any comparative advantage which it may have incidentally received from its amendment.

Edward M. Johnson

9. An applicant for a new station may certify that it has sufficient net liquid assets on hand, or from committed sources of funds, to construct its proposed facility and operate for three months, without revenue. Johnson has not demonstrated that it is financially qualified. To remedy this, Johnson will be permitted, if it can, to certify to the presiding Administrative Law Judge that it is financially qualified to construct and operate for three months, within 30 days after this Order appears in the **Federal Register.** See Order designating for hearing the mutually exclusive applications of Minority Broadcasters of East St. Louis, Inc. (File No. BPCT-811808KG), *et al.*

10. Section 73.636 of the Commission's Rules prohibits the ownership of three broadcast stations where any two are within one hundred miles of the third if there is primary service overlap of any of the stations' contours. A grant of this application would result in this situation since Mr. Johnson owns 49 per cent of WCSV(AM), Crossville, Tennessee and 75 per cent of WTNR(AM), Kingston, Tennessee. Mr. Johnson has represented to the Commission that, in the event of a grant of this application, he will divest himself of all other broadcast holdings prior to any program test authorization. Any grant of a construction permit to Johnson will be conditioned upon Edward Johnson's divestiture of all interest in, and connection with, either WCSV(AM), or WTNR(AM).

South Central Broadcasting Corporation

11. Section 73.636(a) states that no license for a television broadcast station shall be granted to any party if such

[1] Tenn Tel filed a petition to deny against Johnson. The 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).

party directly or indirectly controls one or more FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed television station encompassing the entire community of license of one of the FM broadcast stations. SCBC is the licensee of WEZK(FM), Knoxville, Tennessee. To ensure compliance with § 73.636, any grant of a construction permit to SCBC will be conditioned upon the divestiture of all interest in, and connection with, WEZK(FM).

12. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

13. Accordingly, it is orderd, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Johnson, Community, East Tennessee, Tenn Tel and Le Conte, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient and equitable distribution of television service.

3. In the event it is concluded from Issue 2, above, that a choice between applications should not be based solely on considerations relating to Section 307(b), to determine which proposal would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

14. It is further ordered, That Knoxville Broadcasting Corp., Community Broadcasters, Inc., East Tennessee Broadcasting, Local Service Television, Inc., HHS, Inc. and Knoxville Tennessee T.V., Inc. shall amend their applications, within 15 days after this Order is published in the **Federal Register**, to specify facilities which will afford station WDCN–TV "equivalent protection", calculated in accordance with the method in Docket 20418.

15. It is further ordered, That Edward M. Johnson, shall amend its applications, within 15 days after this Order is published in the **Federal Register**, with a horizontal plane pattern for its proposed directional antenna, as well as a showing that "equivalent protection", calculated in accordance with the method specified in Docket 20418, will be provided to Station WGTV–TV.

16. It is further ordered, That a grant of Tennessee Telecorporation, Inc.'s application will be conditioned as follows:

1. The maximum visual effective radiated power at azimuth 189 degrees True toward WGTV, Athens, Georgia, shall not exceed 17.2 dBk (52.5 kW).

2. The maximum visual effective radiated power at azimuth 269 degrees True toward WDCN–TV, Nashville, Tennessee, shall not exceed 20.9 dBk (123 kW).

3. The application for license shall include:

a. Horizontal plane radiation pattern obtained from measurements performed by the manufacturer for the transmitting antenna prior to its installation.

b. Vertical radiation patterns obtained from measurements by the manufacturer for the transmitting antenna prior to its installation for at least the azimuths toward station WGTV, Athens, Georgia, and WDCN–TV, Nashville, Tennessee.

c. An affidavit by a qualified and licensed surveyor stating that the transmitting antenna azimuthal orientation is proper to achieve the radiation limitations prescribed above toward stations WGTV, Athens, Georgia, and WDCN–TV, Nashville, Tennessee.

17. It is further orderd, That a grant of Citizens Community Television, Inc.'s application will be conditioned as follows:

1. The maximum visual effective radiated power at azimuth 184 degrees True toward WGTV, Athens, Georgia, shall not exceed 14.3 dBk (26.9 kW).

2. The maximum visual effective radiated power at azimuth 272 degrees True toward WDCN–TV, Nashville, Tennessee, shall not exceed 17.6 dBk (57.5kW).

3. The application for license shall include:

a. Horizontal plane radiation pattern obtained from measurements performed by the manufacturer for the transmitting antenna prior to its installation.

b. Vertical radiation patterns obtained from measurements by the manufacturer for the transmitting antenna prior to its installation for at least the azimuths toward station WGTV, Athens, Georgia, and WDCN–TV, Nashville, Tennessee.

c. An affidavit by a qualified and licensed surveyor stating that the transmitting antenna azimuthal orientation is proper to achieve the radiation limitations prescribed above toward stations WGTV, Athens, Georgia, and WDCN–TV, Nashville, Tennessee.

18. It is further ordered, That a grant of Knoxmedia, Inc,s application will be conditioned as follows:

1. The maximum visual effective radiated power at azimuth 189 degrees True toward WGTV, Athens, Georgia, shall not exceed 17.2 dBk (52.5 kW).

2. The maximum vis ual effective radiated power at azimuth 269 degrees True toward WDCN–TV, Nashville, Tennessee, shall not exceed 21.0 dBk (126 kW).

3. The application for license shall include:

a. Horizontal plane radiation pattern obtained from measurements performed by the manufacturer for the transmitting antenna prior to its installation.

b. Vertical radiation patterns obtained from measurements by the manufacturer for the transmitting antenna prior to its installation for at least the azimuths toward station WGTV, Athens, Georgia, and WDCN–TV, Nashville, Tennessee.

c. An affidavit by a qualified and licensed surveyor stating that the transmitting antenna azimuthal orientation is proper to achieve the radiation limitations prescribed above toward stations WGTV, Athens, Georgia, and WDCN–TV, Nashville, Tennessee.

19. It is further ordered, That a grant of Tennessee Telecasting, Inc.'s application will be conditioned as follows:

1. The maximum visual effective radiated power at azimuth 184 degrees True toward WGTV, Athens, Georgia, shall not exceed 16.4 dBk (43.7 kW).

2. The maximum visual effective radiated power at azimuth 272 degrees True toward WDCN–TV, Nashville, Tennessee, shall not exceed 19.5 dBk (89.1 kW).

3. The application for license shall include:

a. Horizontal plane radiation pattern obtained from measurements performed by the manufacturer for the transmitting antenna prior to its installation.

b. Vertical radiation patterns obtained from measurements by the manufacturer for the transmitting antenna prior to its installation for at least the azimuths toward station WGTV, Athens, Georgia, and WDCN–TV, Nashville, Tennessee.

c. An affidavit by a qualified and licensed surveyor stating that the transmitting antenna azimuthal orientation is proper to achieve the radiation limitations prescribed above toward stations WGTV, Athens,

Georgia, and WDCN–TV, Nashville, Tennessee.

20. It is further ordered, That a grant of Le Conte Broadcasting Company, Inc.'s application will be conditioned as follows:

1. The maximum visual effective radiated power at azimuth 184 degrees True toward WGTV, Athens, Georgia, shall not exceed 13.6 dBk (22.9 kW).

2. The maximum visual effective radiated power at azimuth 272 degrees True toward WDCN–TV, Nashville, Tennessee, shall not exceed 17.1 dBk (51.3 kW).

3. The application for license shall include:

a. Horizontal plane radiation pattern obtained from measurements performed by the manufacturer for the transmitting antenna prior to its installation.

b. Vertical radiation patterns obtained from measurements by the manufacturer for the transmitting antenna prior to its installation for at least the azimuths toward station WGTV, Athens, Georgia, and WDCN–TV, Nashville, Tennessee.

c. An affidavit by a qualified and licensed surveyor stating that the transmitting antenna azimuthal orientation is proper to achieve the radiation limitations prescribed above toward stations WGTV, Athens, Georgia, and WDCN–TV, Nashville, Tennessee.

21. It is further ordered, That a grant of South Central Broadcasting Corporation's application will be conditioned as follows:

1. The maximum visual effective power at azimuth 185 degrees True toward WGTV, Athens, Georgia, shall not exceed 17.1 dBk (51.3 kW).

2. The maximum visual effective radiated power at azimuth 272 degrees True toward WDCN–TV, Nashville, Tennessee, shall not exceed 20.2 dBk (105 kW).

3. The application for license shall include:

a. Horizontal plane radiation pattern obtained from measurements performed by the manufacturer for the transmitting antenna prior to its installation.

b. Vertical radiation patterns obtained from measurements by the manufacturer for the transmitting antenna prior to its installation for at least the azimuths toward station WGTV, Athens, Georgia, and WDCN–TV, Nashville, Tennessee.

c. An affidavit by a qualified and licensed surveyor stating that the transmitting antenna azimuthal orientation is proper to achieve the radiation limitations prescribed above toward stations WGTV, Athens, Georgia, and WDCN–TV, Nashville, Tennessee.

22. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

23. It is further ordered, That Knoxmedia, Inc. and South Central Broadcasting Corporation shall each file certification with the presiding Administrative Law Judge that it has or will publish local notice of the filing of its application within 30 days after this Order appears in the **Federal Register.**

24. It is further ordered, That Community Broadcasters of Knoxville, Inc.'s petition for Leave to Amend is granted.

25. It is further ordered, That Community Broadcasters of Knoxville, Inc.'s petition for Leave to Amend is granted.

25. It is further ordered, That Edward M. Johnson, may certify that it is financially qualified, if it can, to the presiding Administrative Law Judge in the manner described in paragraph 9, above.

26. It is further ordered, That, in the event of a grant of Edward M. Johnson, et al's application, the construction permit shall be conditioned as follows: Prior to the commencement of operation of the television station, permittee shall certify to the Commission that Mr. Edward M. Johnson has divested himself of all interest in, and connection with, either Station WCSV(AM), Crossville, Tennessee or Station WTNR(AM), Kingston, Tennessee.

27. It is further ordered, That, in the event of a grant of South Central Broadcasting Corporation's application, it will be conditioned as follows: Prior to the commencement of operation of the television station authorized herein, the permittee shall certify to the Commission that it has divested itself of all interest in, and connection with, Station WEZK(FM), Knoxville, Tennessee.

28. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

29. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities.

[FR Doc. 82–20287 Filed 7–27–82; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket Nos. 82–414—82–416; Files Nos. 22432–CD–P–(2)–81; 23071–CD–P–(1)–81; 23278–CD–P–(1)–81]

Mobilfone Service, Inc. and Kelvin D. Mahorney d.b.a. Mahorney Communications; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: July 9, 1982.

Released: July 21, 1982.

In re applications of Mobilfone Service, Inc., for a construction permit for a new two-way station to operate on frequencies 454.225 MHz and 454.250 MHz in the Domestic Public Land Mobile Radio Services (DPLMRS) at Chickasha, Oklahoma, for a construction permit to add an additional frequency 454.250 MHz for Station KKN287 in the DPLMRS near Perry, Oklahoma; and Kelvin D. Mahorney d.b.a. Mahorney Communications, for a construction permit for a new two-way station to operate on frequency 454.250 MHz in the DPLMRS at Oklahoma City, Oklahoma.

By the Common Carrier Bureau:

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Mobilfone Service, Inc. (MSI), and Kelvin D. Mahorney d.b.a. Mahorney Communications (Mahorney).[1] The Mahorney and MSI applications are mutually exclusive on frequency 454.250 MHz; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest on that frequency. The MSI request for frequency 454.225 MHz is not mutually exclusive.

2. We find both MSI and Mahorney to be legally, technically, and otherwise qualified to construct and operate the proposed facilities. We further find that a grant of the request by MSI to operate on frequency 454.225 MHz will serve the public interest, convenience and necessity.

[1] We note that while MSI's application at Chickasha and Mahorney's application at Oklahoma City are for new facilities, MSI's application near Perry is for an additional frequency for Station KKN287.

3. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the application of Mobilfone Service, Inc., File No. 22432–CD–P–(2)–81, is granted in part to the extent that the request for frequency 454.225 MHz is granted, and that the application of Kelvin D. Mahorney d.b.a. Mahorney Communications, File No. 23278–CD–P–(1)–81 and the applications of Mobilfone Service, Inc., File Nos. 22432–CD–P–(2)–81 and 23071–CD–P–(1)–81, to operate on frequency 454.250 MHz are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 39 dBu contours,[2] based upon the standards set forth in § 22.504(a) of the Commission's Rules,[3] and to determine and compare the relative demand for the proposed services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience, and necessity.

4. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

5. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. It is further ordered, that the applicants shall file written notices of appearances under § 1.221(c) of the Commission's Rules within 20 days of the release date of this Order.

[2] For the purpose of this proceeding, the interference-free area is defined as the area within the 39 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6404, equation 8.

[3] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 450 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

7. The Secretary shall cause a copy of this order to be published in the **Federal Register.**

William F. Adler,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 82–20288 Filed 7–27–82; 8:45 am]

BILLING CODE 6712–01–M

Multiplex Communications, Inc. and Radio Station WBUC, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: July 9, 1982.

Released: July 19, 1982.

In re Applications of Multiplex Communications, Inc., Buckhannon, West Virginia, Req: 93.5 MHz, Channel 228A, 3 kW (H&V), 218 feet (H&V) BC Docket No. 82–411, File No. BPH–810407AA; Radio Station WBUC, Inc., Buckhannon, West Virginia, Req: 93.5 MHz, Channel 228A, 3 kW (H&V), 299 feet (H&V); BC Docket No. 82–412, File No. BPH–810227AB; for construction permit for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Multiplex Communications, Inc. (Multiplex) and Radio Station WBUC, Inc. (WBUC).

2. *Multiplex and WBUC.* The applicants have submitted engineering proposals and accompanying waiver requests of Section 73.316(c) of the Commission's Rules looking toward protecting, from objectionable interference, the National Radio Astronomy Observatory, Green Bank, West Virginia. Having found that the engineering proposals are acceptable, the staff concludes that the accompanying requests for waiver of Section 73.316(c) of the Rules are warranted and will, therefore, be granted.

3. Since no determination has been reached that the antenna proposed by Radio Station WBUC, Inc. would not constitute a menace to air navigation, an issue regarding this matter is required.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive they must be designated for hearing in a consolidated proceeding on issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, 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 Radio Station WBUC, Inc. would constitute a hazard to air navigation.

(2) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(3) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That, the requests for waiver of § 73.316(c) of the Commission's Rules, filed by Multiplex Communications, Inc. and Radio Station WBUC, Inc., are hereby granted.

7. It is further ordered, That Federal Aviation Administration is made a party to the proceeding.

8. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82–20289 Filed 7–27–82; 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. With respect to the application, 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 surfice 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. *First Alabama Bancshares, Inc.*, Montgomery, Alabama; to acquire 100 percent of the voting shares or assets of Cordova-Citizens Bank, Cordova, Alabama. Comments on this application must be received not later than August 23, 1983.

Board of Governors of the Federal Reserve System, July 22, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-20393 Filed 7-27-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Banking 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. *Pontiac Bancorp, Inc.*, Pontiac, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Bank of Pontiac, Pontiac, Illinois. Comments on this application must be received not later than August 23, 1982.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Citizens Bank Holding Company*, Finley, North Dakota; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens State Bank of Finley, Finley, North Dakota. Comments on this application must be received not later than August 23, 1982.

Board of Governors of the Federal Reserve System, July 22, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-20395 Filed 7-27-82; 8:45 am]

BILLING CODE 6210-01-M

GL & ML, Limited; Formation of Bank Holding Company

GL & ML, Limited, Aplington, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 49 percent or more of the voting shares of Aplington Insurance, Inc., Aplington, Iowa, and thereby indirectly acquiring voting shares of State Savings Bank, Aplington, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

GL & ML, Limited, Aplington, Iowa, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in selling life, casualty and credit life and accident and health insurance. These activities would be performed from offices of Applicant's subsidiary in Aplington, Iowa, and the geographic area to be served is Aplington, Iowa. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than August 23, 1982.

Board of Governors of the Federal Reserve System, July 22, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-20394 Filed 7-27-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; 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 apppropriate 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. *Chemical New York Corporation,* New York, New York (financing and insurance activities; Ohio): To continue to engage, through its subsidiary, Sunamerica Financial Corporation, in the previously approved activities of making direct loans, purchasing installment sales finance contracts, and in the sale of credit related insurance. These activities will be conducted from an office in Euclid, Ohio, servicing the city of Euclid and its environs. This application is for relocation of an office. Comments on this application must be received not later than August 23, 1982.

2. *Manufacturers Hanover Corporation,* New York, New York (consumer finance and credit insurance activities; New Jersey): To engage through its indirect subsidiary Finance One of New Jersey, Inc. ("Finance One") in the making or acquiring of direct loans, secured or unsecured, such as could be made by a finance company under New Jersey law; and acting as agent or broker for the sale of single and joint credit life insurance directly related to such extensions of credit. These activities would be conducted from a Finance One office located in Marlton, New Jersey. The service area of the office would include the entire State of New Jersey. Manufacturers Hanover Corporation also wishes to expand the previously approved service area for other activities of Finance One at the above location to include the entire State of New Jersey. The previously approved activities include arranging, making, or acquiring for its own account or for the account of others loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person and acting as an agent or broker for the sale of single and joint life insurance which is directly related to such extensions of credit; purchasing installment sales finance contracts and acting as agent or broker for the sale of single and joint credit life insurance and credit accident and health insurance which is directly related to such extensions of credit. Comments on this application must be received not later than August 24, 1982.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *First Interstate Bancorp,* Los Angeles, California (investment advisory activities; United States): To engage, through its subsidiary, Western Asset Management Company, in investment or financial advisory activities to the extent of serving as the advisory company for a mortgage or a real estate investment trust; serving as investment adviser, as defined in section 2(a)(20) of the Investment Company Act of 1940, to an investment company registered under that Act; providing portfolio investment advise to any other person; furnishing general economic information and advice, general economic statistical forecasting services and industry studies; and providing financial advice to State and local governments, such as with respect to the issuance of their securities. These activities would be conducted from an office in Albuquerque, New Mexico, serving the fifty states. This application is to establish a new office and expand the geographic scope of a previously approved activity conducted through a wholly-owned subsidiary. Comments on this application must be received not later than August 23, 1982.

Board of Governors of the Federal Reserve System, July 22, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-20392 Filed 7-27-82; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Independent Insurance Group, Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules

SUMMARY: Independent Insurance Group, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Independence Life and Accident Insurance Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Independent Insurance Group, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 9, 1982.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-20451 Filed 7-27-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; McAndrews & Forbes Group, Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: McAndrews & Forbes Group, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of the assets of the Consolidated Cigar Division of Gulf & Western Industries, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by McAndrews & Forbes Group, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 9, 1982.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consumption of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-20452 Filed 7-27-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; KI Acquisition Corp.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: KI Acquisition Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all assets of the Kentron International division of LTV Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 9, 1982.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-20453 Filed 7-27-82; 8:45 am]

BILLING CODE 6750-01-M

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Federal Trade Commission.

SUMMARY: Pursuant to 5 U.S.C. 552(e)(4) the Federal Trade Commission publishes the notices for the systems of records currently maintained by the agency. Notice for one system previously published in the **Federal Register** has been withdrawn because the system has merged with another system and is no longer subject to the Privacy Act reporting requirement.

FOR FURTHER INFORMATION CONTACT: Alexandra P. Buek, Assistant to the General Counsel, Office of the General Counsel, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580, (202) 523-3855.

SUPPLEMENTARY INFORMATION: For the reasons given below, the Commission deletes the following system of records:

FTC-3, Case/Project Tracking and Weekly Activity Reporting System: This system has been merged into FTC-23, Financial Management System.

Notices for other systems noted herein as deleted have been previously published in the **Federal Register.**

By direction of the Commission dated

Carol M. Thomas,

Secretary.

INDEX OF SYSTEMS—CATEGORIES OF INFORMATION

System No.	System name or other clarification
39	Advisory Opinions (Staff Advisory Opinion Records).
27	Assignment Control System—BCP.
37	*Bachman* v. *Pertschuk* (Individual Claims Submitted Pursuant to Consent Agreement).
01	Biographies of Commissioners and Key Staff Members.
04	Claims (Claimants Under Federal Tort Claims Act).
04	Claims (Claimants Under Military Personnel and Civilian Employees Claims Act).
46	Clearance to Participate Applications and the Commission's Responses Thereto.
07	Congressional Correspondence Coordination Unit Records.
08	Congressional Inquiry Files—Dallas Regional Office.
30	Consultant Files—BC.
09	Consultant Files—BCP.
11	Consumer Complaint Files—Atlanta Regional Office.
13	Consumer Complaint Files—BCP.
12	Consumer Complaint Files—Dallas Regional Office.
14	Consumer Complaint Files—Los Angeles Regional Office.
16	Consumer Complaint Files—Seattle Regional Office.
55	Consumer Education Mailing List—BCP.
17	Consumer Mailing List—Los Angeles Regional Office.
02	Correpondence Control System.
25	Correspondence Records (General).
19	Correspondence with Enforcement Division—BCP (concerning parties subject to Commission orders).
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INDEX OF SYSTEMS—CATEGORIES OF INFORMATION—Continued

System No.	System name or other clarification
10	Credit-Related Correspondence (Consumer and Industry Correspondence Files)—BCP.
22	Disciplinary Action Investigatory Files.
54	Discrimination Complaint System.
52	Equal Employment Opportunity Statistical Reporting System.
40	Financial Interests (Statement of Employment and Financial Interests).
23	Financial Management System.
24	Financial Statements of Commissioners.
49	Freedom of Information Act Requests and Appeals from Other Than Government Agencies and the Commission's Responses Thereto.
33	Investigation Files (Preliminary).
28	Investigational, Legal, and Public Records.
26	Job Applicants (Applicant Files and General Personnel Records; Duplicate Personnel Files and Automated Records).
20	Locator System (Employee).
53	Medical Participation in Control of Certain Open-Panel Medical Prepayment Plans Mailing List—BC.
31	Payroll Processing System.
26	Personnel (Applicant Files and General Personnel Records; Duplicate Personnel Files and Automated Records).
41	Personnel Records (Unofficial).
51	Privacy Act Requests and Appeals.
34	Public Contact Report System—Atlanta Regional Office.
36	Public Information Mailing List—Boston Regional Office.
35	Public Information Mailing List.
15	Public Participation (Applications for Reimbursement for Participation in Rulemaking Proceedings).
18	Redress (Consumer Redress) Lists—BCP.
32	Retirement Records (Payroll).
45	Routing (Automated Serials Routing System).
04	Tort Claims (Claimants Under Federal Tort Claims Act).

FTC-1

SYSTEM NAME:

Biographies of Commissioners and Key Staff Members—FTC.

SYSTEM LOCATION:

Office of Public Information—Room 496, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioners and key FTC staff members (current).

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, biographical data (such as education, employment, etc.), and in some cases a photograph and/or news release on the individual's appointment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Resource material for writing news releases and FTC publications, and for filing requests for information from

members of the media; used by OPA staff members. (With concurrence of individual concerned, information is prepared in biographical sketch format for release to news media and general public upon request.)

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Written documents and glossy photographs in manila folders in lockable file cabinet.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Available to public.

RETENTION AND DISPOSAL:

Upon or shortly after departure from Commission, individual's biographical sketch and photograph are destroyed. Photos may be given to subject.

SYSTEM MANAGER'S AND ADDRESS:

Public Information Assistant, Office of Public Affairs, Room 496, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual whose biography and/or picture is contained in the system.

FTC-2

SYSTEM NAME:

Correspondence Control System—FTC.

SYSTEM LOCATION:

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals formally requesting information from, or submitting complaints to, the FTC (including regional offices) in writting; staff members assigned to respond to correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Writer's name and address; nature of inquiry or complaint, including product and violation codes; and name of staff member(s) assigned to respond to letter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by headquarters and regional office staff as a management tool for tracking correspondence coming into the FTC (including regional offices), including keeping abreast of assignments and response deadlines. Nonpersonal information is abstracted to provide statistical data on the number and types of correspondence to which the Commission responds.

Referral to person, partnership, or corporation complained about by Commission staff or by another Federal, State, or local government agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Records are retained in the Comnet computer after a response to the correspondence has been made, then purged from the system after the nonpersonal data has been added to a statistical accounting file. The nonpersonal statistical data accumulated in the computer since October 1977 is retrievable from the computer.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, Correspondence Branch, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained; supervisors.

FTC-3:

System deleted.

FTC-4

SYSTEM NAME:

Claimants Under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act-FTC

SYSTEM LOCATION:

Federal Trade Commission, Office of the General Counsel, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have claimed reimbursement from FTC under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information relating to traffic accidents and other incidents in which the FTC may be liable for property damage or loss or personal injuries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. Sec. 2671 et seq.; Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. Sec. 241 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine whether the FTC should honor claims for personal injuries or loss or damage to property in incidents involving FTC employees. Referral to Department of Justice, GSA, or other federal agency when the matter comes within the jurisdiction of such agency. Discussion and correspondence with insurance companies, with other persons or entities that may be liable, with potential witnesses or others having knowledge of the matter.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of a private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in manila file folders in file cabinet.

RETRIEVABILITY:

The system is filed alphabetically by name of the FTC employee involved in each incident.

SAFEGUARDS:

The files are stored in an unlocked file cabinet in the Office of the Tort Claims officer. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

The records are stored for 10 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Information is obtained from claimant, FTC employee involved in incident, other FTC employees or other persons having knowledge of the circumstances, official police report (if any), and insurance company representing claimant (if any).

FTC–5:

System deleted.

FTC–6:

System deleted.

FTC–7

SYSTEM NAME:

Congressional Correspondence Coordination Unit Records, Office of Congressional Relations—FTC

SYSTEM LOCATION:

Congressional Correspondence Coordination Unit, Office of Congressional Relations, Federal Trade Commission, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress, President and Vice President.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; title; any other personal information in letter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local government agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Diclosure may be made to a congressional office, White House Correspondence Office and the Vice President's Correspondence Office from the record of an individual only when these offices make requests on behalf of the private citizen.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local govenmental agency to whom matter has been referred, when considered appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila folders.

RETRIEVABILITY:

Indexed by name of congressman, President and Vice President.

SAFEGUARDS:

Stored in lockable metal cabinets. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Transferred to Federal Records Center at end of six years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Congressional Relations, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Wshington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Congressmen.

FTC–8

SYSTEM NAME:

Congressional Inquiry Files, Dallas Regional Office—FTC

SYSTEM LOCATION:

Dallas Regional Office, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Constituents who have written their congressional representatives for aid in resolving consumer problems, and Members of Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains consumer letters, letters from Members of Congress transmitting the complaints, FTC's acknowledgement of the complaints, and FTC's replies to the congressional representatives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FTC Administrative Manual, 1–201.1; Federal Records Act, Section 506(a); GSA Regulations (Sec. 101–11.209–3); Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state or local governmental agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of a private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained generally on letterhead forms.

RETRIEVABILITY:

Indexed by name of Member of Congress.

SAFEGUARDS:

Records are maintained in a file cabinet locked by key. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records are retained for 6 months, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Director, Federal Trade Commission, Dallas Regional Office, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, Members of Congress.

FTC–9

SYSTEM NAME:

Consultant Files, Division of Advertising Practices, Bureau of Consumer Protection—FTC.

SYSTEM LOCATION:

Bureau of Consumer Protection, Federal Trade Commission, Star Building, Rm. 6414A, 1101 Pennsylvania Ave., N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consultants consisting of experts in various fields, including medical and scientific.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, curriculum vitae, resume of employment, lists of publications in field, copies of application forms submitted to FTC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Identification of medical doctors, scientists and other experts who are available on a consultant basis to advise professional staff members of the Bureau of Consumer Protection. Used by staff members of the Bureau of Consumer Protection.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of a private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Letter-size files in regulation cabinet.

RETRIEVABILITY:

Indexed by name:

SAFEGUARDS:

Secured as are other files by locking of office door at night. Building guard stationed at building entrance. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Maintained indefinitely for future reference.

SYSTEM MANAGER AND ADDRESS:

Administrative Officer, Division of Advertising Practices, Federal Trade Commission, Star Building—Room 6414A, 1101 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W. Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

FTC–10

SYSTEM NAME:

Consumer and Industry Correspondence Files, Division of Credit Practices; Bureau of Consumer Protection—FTC.

SYSTEM LOCATION:

Division of Credit Practices, 633 Indiana Avenue, N.W., Washington, D.C. 20580.

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consumer and industry correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, Truth in Lending Act, Fair Credit Reporting Act, Equal Credit Reporting Act, Equal Credit Opportunity Act, Fair Credit Billing Act and Fair Debt Collection Practices Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of a private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in folders, on credit documents coding forms, and on disc.

RETRIEVABILITY:

Folders are indexed by name—usually corporate name. Computer retrievability of the credit document coding form by consumer name, industry name, statute, Equal Credit Opportunity Act categories and statutory violation section.

SAFEGUARDS:

Maintained in file cabinets. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Selected statutory correspondence maintained indefinitely; other materials retained for a minimum of 3 years, then destroyed.

SYSTEM MANAGERS AND ADDRESS:

Associate Director for Credit Practices, Bureau of Consumer Protection, 633 Indiana Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual.

FTC-11

SYSTEM NAME:

Consumer Complaint Files, Atlanta Regional Office—FTC.

SYSTEM LOCATION:

Atlanta Regional Office, 1718 Peachtree Street, N.W., Room 1000, Atlanta, Georgia 30309.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of letters from individuals filing complaints as to unsatisfactory commercial transactions and practices of various firms, businesses and individuals. System also includes a complaint log identifying party complained of and individual complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in letter-size file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Filed in metal file cabinet. Office locked when unattended. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Retained for a minimum of one year and destroyed by delivering to and placing the material in local government-operated incinerator.

SYSTEM MANAGERS AND ADDRESS:

Regional Director, Atlanta Regional Office, 1718 Peachtree Street, N.W., Room 1000, Atlanta, Georgia 30309.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

From individual members of the public and occasionally from other federal or state agencies.

FTC-12

SYSTEM NAME:

Consumer Complaint File, Dallas Regional Office—FTC

SYSTEM LOCATION:

Federal Trade Commission, Dallas Regional Office, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed complaints or requested information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name and location of company complained about, violation, date complaint was received, and correspondence number.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify companies complained about, number of complaints received on a company, and to identify problems in a particular industry. To respond to correspondence.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred, when considered appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders filed numerically. Indexed and stored on NBI 3000 word processor.

RETRIEVABILITY:

Retrieval is by violation code, product code, complainant's name, state, and the name of the company the complaint was filed against.

SAFEGUARDS:

Stored in lockable file cabinets and on NBI. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records are retained for 2 years in the Dallas regional office, then destroyed.

SYSTEM MANAGERS AND ADDRESS:

Regional Director, Dallas Regional Office, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name,

return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual filing complaint.

FTC–13

SYSTEM NAME:

Consumer Complaint Files, Division of Marketing Practices; Bureau of Consumer Protection—FTC.

SYSTEM LOCATION:

Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons associated with, affiliated with, or representing the businesses involved in the alleged practices. Persons affected by the business or its alleged practices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; transaction history with persons, partnerships or corporations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 5 of the Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in folders, on franchise coding forms, and on disc.

RETRIEVABILITY:

Indexed by name, company involved, alleged practice, names of persons associated with, affiliated with, or representing the business involved in the alleged practices, names of persons affected by the business or its alleged practices, source of contact, type of franchise, method of promotion, state of violation, product name, product category, source, victim, accession number, location number, types of violations, amounts of initial fees.

SAFEGUARDS:

Filing cabinets in secure buildings, computer ID required to enter computer system, computer job control language required to activate data, computer passwork required to open file. Access to computer system and filing cabinets restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records maintained until enforcement action is final and then removed to GSA for permanent storage.

SYSTEM MANAGERS AND ADDRESS:

Associate Director for Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20570.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Consumer; federal, state or local enforcement agencies; private organizations (e.g., Better Business Bureaus, consumer hot lines) that receive consumer complaint letters.

FTC–14

SYSTEM NAME:

Consumer Complaint Files, Los Angeles Regional Office—FTC.

SYSTEM LOCATION:

Federal Trade Commission, Los Angeles Regional Office,11000 Wilshire Boulevard, Room 13209, Los Angeles, California 90024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who submit complaints against companies, practices, individuals in the Los Angeles Office area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; information about the practices, activities, and policies of organizations or individuals submitted by various complainants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local government agency to whom matter has been referred, when considered appropriate. Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Indexed in log book by name of complainant.

SAFEGUARDS:

Stored in file cabinets. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Retained for one year, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Regional Director, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire

Boulevard, Room 13209, Los Angles, California 90024.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Consumers and business complainants.

FTC–15

SYSTEM NAME:

Application for Reimbursement for Participation in Rulemaking Proceedings—FTC.

SYSTEM LOCATION:

Information Division, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Director, Division of Budget and Finance, Federal Trade Commission, Room 774, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 18(h) of the Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by the Division of Budget and Finance to prepare audit reports on applicant's use of approved funding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All material submitted by applicants, related correspondence, and all determinations by the General Counsel are placed on the public record (1) in the rulemaking record, and (2) in binders devoted solely to such applications.

The information is stored in binders on the public record in the Public Reference Room; duplicate and related internal memoranda stored in file folders in the Division of Budget and Finance.

RETRIEVABILITY:

Filed under title of rulemaking proceeding and indexed by name of applicant.

SAFEGUARDS:

Maintained in lockable offices; requests for funding and responses thereto available to public.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, Federal Trade Commission (Address same as System Location).

Director, Division of Budget and Finance, Federal Trade Commission (Address same as System Location).

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580. In order for personal information in this system to be retrieved, a request must specify the title of the rulemaking proceeding.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual applicant and commenting third parties, if any.

FTC–16

SYSTEM NAME:

Consumer Complaint Letters, Seattle Regional Office—FTC

SYSTEM LOCATION:

Federal Trade Commission, Seattle Regional Office, 2840 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those persons who direct a consumer complaint or request for assistance or information to the Seattle Regional Office; those forwarding a complaint from a consumer such as a member of the media or another federal, state or local agency; individuals against whom complaints are received.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; nature of the consumer's complaint; the name and location of the party complained of; and the supporting documents, where provided.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act; FTC Operating Manual provides for processing of consumer complaints.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local government agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained alphabetically by company name in file cabinet.

RETRIEVABILITY:

Alphabetically by name of company complained of.

SAFEGUARDS:

Files are maintained in folders in a file cabinet; responsibility of file clerk. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Held two years, then destroyed.

SYSTEM MANAGER AND ADDRESS:

Regional Director, Seattle Regional Office, 2840 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Those consumers who have submitted a complaint or a request for assistance or information.

FTC-17

SYSTEM NAME:

Consumer Mailing List, Los Angeles Regional Office—FTC.

SYSTEM LOCATION:

Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Boulevard, Room 13209, Los Angeles, California 90024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested publications from the Los Angeles Regional Office and individuals who receive local Call for Comment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; mailing address; and business title, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTENANCE IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to mail Los Angeles Regional Office publications, FTC publications, and local Call for Comment to listed names. Used by Regional Office personnel.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Daconics magnetic disc.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Daconics disc storage. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

By disc erasure when consumer no longer desires publications or local Call for Comment. List is revised at least annually.

SYSTEM MANAGERS AND ADDRESS:

Assistant Director, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Boulevard, Room 13209, Los Angeles, California 90024.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC-18

SYSTEM NAME:

Consumer Redress Lists, Enforcement Division, Bureau of Consumer Protection—FTC.

SYSTEM LOCATION:

Enforcement Division, Bureau of Consumer Protection, Federal Trade Commission, 600 E Street NW., Rm. 801, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consumers entitled to redress pursuant to Commission or court order.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and other information pertinent to identifying consumers qualifying for consumer redress in specific proceedings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTENANCE IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify consumers qualifying for consumer redress pursuant to Commission or court order. Used by Enforcement Division personnel, other FTC personnel, and personnel of other Federal agencies participating in proceedings involving consumer redress.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila file folders and computer terminal.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records maintained until consumer redress is completed, then disposed of.

SYSTEM MANAGER AND ADDRESS:

Associates Director for Enforcement, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 E Street NW., Rm. 801, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW. Washington, D.C. 20580. In order for personal information in this system to be retrieved, a request must specify the name of the firm or proceeding.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Affected consumers and other members of the public, persons, partnerships, or corporations subject to consumer redress orders.

FTC-19

SYSTEM NAME:

Correspondence With Enforcement Division, Bureau of Consumer Protection, Concerning Parties Subject to Commission Orders—FTC.

SYSTEM LOCATION:

Enforcement Division, Bureau of Consumer Protection, Federal Trade Commission, 600 E Street, NW., Rm. 801, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons corresponding with Enforcement Division concerning parties subject to Commission orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any further law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when the matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter may be referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local governmental agency to whom the matter was been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila file folders.

RETRIEVABILITY:

Indexed by name of the respondent within file of each compliance matter.

SAFEGUARDS:

Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records maintained indefinitely in the Enforcement Division or shipped to the Legal and Public Records Division of FTC for permanent storage.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director of Enforcement (Address same as System Location).

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580. In order for personal information in this system to be obtained, a request must specify the name of the firm or proceeding.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals corresponding with Enforcement Division.

FTC–20

SYSTEM NAME:

Employee Locator System—FTC.

SYSTEM LOCATION:

Federal Trade Commission, Room 120, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current FTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; employee number; building code and room number; office telephone number; correspondence code; contact code; mail drop code.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to produce FTC telephone directory used by all agency personnel, and mail locator listings used by mail room personnel; used by library staff to ascertain an employee's identification number for subsequent use in retrieving information from the Automated Serials Routing System (FTC–45).

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc and tape.

RETRIEVABILITY:

By name or employee number.

SAFEGUARDS:

Access restricted to those agency personnel with knowledge of the computer password for the system.

RETENTION AND DISPOSAL:

Information is continuously updated; obsolete data is erased from system.

SYSTEM MANAGER AND ADDRESS:

Chief, Facilities Management Section, Division of Administrative Services, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, administrative officers.

FTC–21

SYSTEM NAME:

Counseling Records—FTC.

SYSTEM LOCATION:

Division of Personnel, Federal Trade Commission, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Federal Trade Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Upward Mobility: Individual Development Plan and counseling notes; (b) Professional Training: Individual Development Plan and counseling notes; (c) Executive Development: Individual Development Plan and counseling notes; (d) Employee Relations: Counseling notes, unofficial memoranda about or given to employee concerning problems(s) which arises; (e) Debt Letters: Letters from creditors about dabts owed by current employees and copies of employee responses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 41; Executive Order 11348; EEO Act 1972; Executive Order 11478; Title 5 U.S.C. 735.207; Executive Order 9830; 5 U.S.C. Sec. 230.101; Federal Personnel Manual Chapter 250.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Upward Mobility, Professional Training and Executive Development—Used by program director or others whose official duties require such information to provide a record of employee goals and objectives and classes needed to attain those

objectives and to maintain a record of courses taken.

Employee Relations and Debt—Used by Employee Relation Specialist or others whose official duties require such information. Information provides a record of counseling provided and resolution of problem(s). If the problem results in a disciplinary action, information in file may become part of an official record.

Referral to the Office of Personnel Management concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its governmentwide personnel management functions.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in manila folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are stored in lockable metal file cabinets. Access to and use of these records is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Destroyed upon completion of the program (Upward Mobility, Professional and Executive Development Programs) or upon employee's separation from the agency (Employee Relations and Debt Counseling).

SYSTEM MANAGERS AND ADDRESS:

Director of Personnel, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURES:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual to whom the records pertain, supervisor, program manager, counselor.

FTC-22

SYSTEM NAME:

Disciplinary Action Investigatory Files—FTC.

SYSTEM LOCATION:

Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC personnel, counsel for parties under investigatory or adjudicatory proceedings, and others participating in FTC matters subject to investigation for possible improper or unethical conduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, current employment status, subject matter of investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act; Executive Order No. 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determination of whether disciplinary action, including suspension or disbarment from practice before Commission, is warranted; could include transfer of information to Office of Personnel Management, to a court, or a bar association. Used by agency personnel assigned to investigate and handle matter and by personnel of other agencies, court, or bar association to whom matter is referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in standard letter-size file cabinets, in Record Center Storage Containers, on microfilm or microfiche.

RETRIEVABILITY:

Indexed by individual name, company name, industry investigation title, file or docket number.

SAFEGUARDS:

Unlocked file cabinets with normal building security, record center storage and security. Access restricted to

National Archives; remainder destroyed by shredding or burning. Docket records retained five years and then transferred to National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, Records Management Branch, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

Records in this system are generally exempt from mandatory disclosure under 5 U.S.C. Sec. 552a(k)(2). However, some individual records may be disclosable, and access to them may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, complainants, informants, witnesses, and Commission personnel having knowledge or providing analysis of matter.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. Sec. 552a(k)(2), records in this system generally are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. Sec. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-23

SYSTEM NAME:

Financial Management System—FTC.

SYSTEM LOCATION:

Division of Budget and Finance, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC personnel who travel or otherwise might be involved in reimbursement of expenses situations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains names and employee number or social security number of

person involved in travel or otherwise reimbursed for expenses conducted in performances of official duties of FTC. Information relating to travel expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 57.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Identification and retrieval for use in financial reports of FTC. Recording information relating to expenses incurred by FTC personnel in performance of official duties.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer hardcopy listing; computerized tape vendor file.

RETRIEVABILITY:

Indexed by name and employee number.

SAFEGUARDS:

Records are maintained in division files and computer file; access limited to Budget and Finance personnel.

RETENTION AND DISPOSAL:

Retained per GSA Archives schedule of retention and disposal.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Budget and Finance (Same address as System Location).

NOTIFICATION PROCEDURE:

Records in this system are generally exempt from mandatory disclosure under 5 U.S.C. Sec. 552a(k)(2). However, some individual records may be disclosable, and access to them may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, complainants, informants, witnesses, and Commission personnel having knowledge or providing analysis of matter.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. Sec. 552a(k)(2), records in this system generally are exempt from the requirements of subsections (c)(3), (d), (e)(1), (3)(4) (G), (H), and (I), and (f) of 5 U.S.C. Sec. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-24

SYSTEM NAME:

Financial statements of Commissioners-elect-FTC.

SYSTEM LOCATION:

Office of General Counsel, Rm. 568, Federal Trade Commission, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC Commissioners-elect.

CATEGORIES OF RECORDS IN THE SYSTEM:

Financial statements of Commissioners-elect: lists of personal property, stocks, bonds, indebtedness, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reviewed for adequacy of disclosure and potential conflict of interest purposes when a new Commissioner-elect requests assistance with his/her financial statements. Used by the General Counsel and his staff.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in legal-size accordion folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in a metal locked cabinet in GC's secretary's office. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Held since 1970. Retention indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC-25

SYSTEM NAME:

General Correspondence Records—FTC.

SYSTEM LOCATION:

Office of the Secretary, Correspondence Branch, Federal Trade Commission, Room 701; 6th and Pennsylvania Avenue NW., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consumers; individuals; public officials; company and corporation officers; attorneys; members of consumer groups, student groups, and committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters of complaint, inquiry, comment, petitions, and/or communications concerning FTC actions and activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to previous correspondence. To determine whether any law enforcement action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Legal-size standard file cabinets.

RETRIEVABILITY:

Indexed by correspondent's name on computer printout.

SAFEGUARDS:

Unlocked file cabinets. Office security: blue seal locked doors. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Copies of correspondence and correspondent index are retained for 1 year from date of receipt by Correspondence Branch.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Correspondence Branch, Office of the Secretary, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

FTC-26

SYSTEM NAME:

Applicant Files and General Personnel Records (Official Personnel Folder and records related thereto): Duplicate Personnel files and Automated Records-FTC

Automated Records:
Division of Personnel
Federal Trade Commission
Washington, D.C. 20580
Comnet, Inc.
5185 MacArthur Blvd.
Washington, D.C. 20016

Duplicate Records:
Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580
Atlanta Regional Office
1718 Peachtree Street, N.W., Room 1000
Atlanta, Georgia 30309
Boston Regional Office
150 Causeway Street
Boston, Massachusetts 02114
Chicago Regional Office
55 East Monore Street
Chicago, Illinois 60603
Cleveland Regional Office
Suite 500, Mall Building
118 Saint Clair Avenue
Cleveland, Ohio 44114
Dallas Regional Office
2001 Bryan Street, Suite 2665
Dallas, Texas 75201
Denver Regional Office
1405 Curtis Street
Suite 2900
Denver, Colorado 80202
Los Angeles Regional Office
13209 Federal Building
11000 Wilshire Boulevard
Los Angeles, California 90024
New York Regional Office
2243–EB Federal Building
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
450 Golden Gate Avenue
San Francisco, California 94102
Seattle Regional Office
28th Floor, Federal Building
915 Second Avenue
Seattle, Washington 98174

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal Trade Commission employees and applicants for vacancies.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to personnel action determinations made about applicants or individual while employed in the federal service. These records contain information about an individual relating to birth date; social security number; verteran's preference; tenure; handicap; past and present job salaries, grades and position titles; position control information; letters of commendation, reprimand, charges, and decision on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training; minority group designator; records relating to life insurance, health benefits, and designation of beneficiary; performance rating; data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

Title 5 U.S.C. 1302, 2951, 4118, 4305, 4506, and Executive Order 10561.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information or a record may be used:

a. By agency officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualification of an individual.

b. By the Office of Personnel Management for purposes of making a decision when a federal employee or former federal employee is questioning the validity of a specific document in an individual's record.

c. By the district courts to render a decision when an agency has refused to release to current or former federal employees a record under the Freedom of Information Act.

d. To provide information to a prospective employer of a government employee or former federal employee at the individual's request.

e. To provide data for the automated Center Personnel Data File.

f. To provide data on adverse actions, terminations, and for Security Investigation Index on New Hires.

g. To provide statistical reports to Congress, agencies, and the public on characteristics of the federal work force.

h. To provide information or disclose to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

i. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinment information, such as locenses, if neessary to obtain relevant information or other pertinent information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance the letting of a contract, or the

issuance of a license, grant, or other benefit.

j. To refer, where there is an indication of a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

k. As a data source for management information for promotion of summary descriptive statistis and analytical studies in support of the related personnel management functions of human resource studies; may also be utilized to locate specific individuals for personnel research or other personnel management functions.

l. Disclosed to health insurance carriers or plans participating in Federal Employee's Health Benefits Program in support of a claim for health insurance benefits.

m. Disclosed to the Department of Labor; Veterans Administration; Department of Defense; Federal agencies which may have special civilian employee retirement programs; national, state, county, municipal, or other publicly recognized charitable or Social Security Administration agency to adjudicate a claim for benefits under OPM's Bureau of Retirement, Insurance, and Occupational Health or the recipient's benefit program(s), or to conduct an analytical study of benefits being paid under such program.

n. Disclosed to educational institutions for training purposes.

o. Disclosed to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

p. Disclosed to officials of foreign governments for clearance before employee is assigned to that country.

q. Disclosed to Federal Employee's Group Life Insurance Program in support of an individual's claim for life insurance.

r. Disclosed to labor organizations in response to requests for names of employees and identifying information.

s. Disclosed to officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions.

t. Disclosed in response to a request for discovery or for appearance of a witness, if relevant to the subject matter involved in a pending judicial or administrative proceeding.

u. Disclosed for any routine use noted in the Office of Personnel Management Act Notice for this system of records. See 44 FR 30882 (1979).

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, magnetic tapes, and punched cards.

RETRIEVABILITY:

Records are indexed by any combination of name, birth date, social security number, or identification number.

SAFEGUARDS:

Duplicate files—Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access. Automated files—Restricted password to access data.

RETENTION AND DISPOSAL:

Duplicate files—The Official Personnel Folder (OPF) is retained indefinitely. The OPF is sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service. Some records such as letters of reprimand, indebtedness, and vouchers are maintained for 2 years or destroyed when an individual resigns, transfers, or is separated from the federal service. Automated files—Files of individuals are erased after they leave the FTC; only statistical turnover information is retained.

SYSTEMS MANAGER(S) AND ADDRESS:

Duplicate file—Regional Director, Regional Office (see name and address of regional office listed in location above). Automated records—Director of Personnel, Division of Personnel, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Information in this system of records comes either from the individual to whom it applies or is derived from information he/she suppied, except information provided by agency officials.

FTC–27

SYSTEM NAME:

Assignment Control System, Bureau of Consumer Protection—FTC.

SYSTEM LOCATION:

Federal Trade Commission, Bureau of Consumer Protection, 6th Street and Pennsylvania Ave., N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional staff of the Bureau of Consumer Protection.

CATEGORIES OF RECORDS IN THE SYSTEM:

Control number, subject and status, staff attorney, Office of the Director liaison, staff deadline, Office of the Director liaison deadline, Office of the Director deadline, and completion date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Bureau Director, Deputy Directors, Regional Directors, Assistant Directors, and Assistants to the Director for management purposes and recording and tracking all internal assignments.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in the computer—Four Phase System.

RETRIEVABILITY:

By attorney name, control number, and organization code.

SAFEGUARDS:

Distribution of reports restricted to agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Records Division, Bureau of Consumer Protection, Room 485, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Assignments under the responsibility of the Bureau of Consumer Protection, and information and instructions from the staff.

FTC-28

SYSTEM NAME:

Investigational, Legal, and Public Records—FTC.

SYSTEM LOCATION:

Records Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580 (Record Center, Suitland, Maryland).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Respondents, proposed respondents, and others in Commission investigations and law enforcement proceedings; parties requesting formal advisory opinions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and some or all of the following: address; company affiliation; age; date of birth; place of birth; employment; financial, credit, and personal history background in the records contained in this system. This system is composed of the following files: formal investigation files; docketed and consent matters; assurances of voluntary compliance; and advisory opinions; but is limited to those files from which personal information is retrieved by the name of an individual or other identifying particular assigned to the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act and Executive Order 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use by Commission staff in investigative and adjudicative proceedings, enforcement actions, penalty proceedings, enforcement of compliance orders, issuance of complaints, negotiation of consent orders, issuance of cease and desist orders, and advisory opinions. Referral to Federal, State, or local government authorities for investigation and possible criminal prosecution, civil action or regulatory order. Used by Commission staff assigned to, reviewing, or supervising matter; used by Commission personnel with recordkeeping, managerial, and budgeting responsibilities; used by personnel of other agencies to whom a matter is referred.

Referral to experts, when considered appropriate by Commission staff.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on standard legal- and letter-size paper; mag-card tapes; microfilm; and microfiche.

RETRIEVABILITY:

Indexed by respondent's or correspondent's name; company name; industry investigation title; FTC internal 7-digit or 4-digit investigation number; or complaint assigned number.

SAFEGUARDS:

Metal legal- and letter-size file cabinets; official records center containers. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Retained at FTC office for 5 years, after which transferred to National Archives and Federal Records Center, Suitland, Maryland. Investigatory files, except history portions, destroyed after 5 years.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Records Management Branch, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

Public records contained in this system are available upon request, as indicated below. Otherwise, records in this system generally do not contain personal information about individuals and are generally exempt from mandatory disclosure under 5 U.S.C. Sec. 552a(k)(2). However, some personal information relating to individuals may be included and, if retrievable, may be disclosable. Access to such information may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580. In order for personal information in this system to be retrieved, A request must specify the name of the party subject to the investigation or adjudicatory proceeding.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual respondents or proposed respondents, company records, complainants, informants, witnesses or other third parties.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. Sec. 552a(k)(2), records in this system generally are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(3), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. Sec. 552a. See §4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-29

System deleted.

FTC-30

SYSTEM NAME:

Consultant Files, Bureau of Competition—FTC.

SYSTEM LOCATION:

Federal Trade Commission, Bureau of Competition, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consultants consisting of experts in various fields, including economic and legal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, curriculum vitae, resume of employment, lists and copies of publications in field, copies of application forms submitted to FTC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For identification of background, previous publications, and current research work.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Letter- and/or legal-size files in regulation cabinet.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Secured as are other files by locking of office door at night. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Maintained indefinitely for future reference.

SYSTEM MANAGER AND ADDRESS:

Administrative Officer, Bureau of Competition, Room 544, Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

FTC-31

SYSTEM NAME:

Payroll Processing System—FTC.

SYSTEM LOCATION:

Division of Budget and Finance, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FTC personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

All payroll information on individual FTC employees, including basic employment information, pay and deduction information, and leave and tax information.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

5 U.S.C. Sec. 1301; Federal Personnel Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Salary and wage processing in accordance with applicable laws and regulations. Used by Division of Budget and Finance personnel and by other agency personnel whose responsibilities include salary and wage processing and evaluation.

Referral of unemployment compensation information to state and local unemployment compensation boards.

Referral of information to the Office of Personnel Management (OPM) concerning pay, benefits, retirement deductions, and other information necessary for OPM to carry out its governmentwide personnel management functions.

Disclosure may be made to a congressional office from the record of an individual only when congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in comprehensive computer listing and tape and payroll file folders at the system location in Washington, D.C., and on computer tape at the Treasury Department in San Francisco.

RETRIEVABILITY:

By Social Security number.

SAFEGUARDS:

Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Maintained according to GSA/Archives schedule of retention and disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Budget and Finance (address same as System Location).

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Pay forms completed by individual on whom the records are maintained; personnel system.

FTC-32

SYSTEM NAME:

Payroll-Retirement Records—FTC.

SYSTEM LOCATION:

Division of Budget and Finance, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W, Washington, D.C. 20580

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FTC personnel who qualify for federal retirement benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll information relating to retirement benefits.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

5 U.S.C. Secs. 5301, 5501, 6101, 6301, 8301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Calculation of retirement benefits. Referred to Office of Personnel Management (OPM) upon retirement or resignation from federal service.

Referral to OPM concerning pay, benefits, retirement deductions, and other information, for OPM to carry out its government personnel management functions.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer tape at the Treasury Department in San Francisco, or on individual cards for those not included in the regular payroll system.

RETRIEVABILITY:

Indexed by employee Social Security number.

SAFEGUARDS:

Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Held for length of service of employee while at FTC, information forwarded to next employing agency or OPM.

SYSTEM MANAGERS AND ADDRESS:

Director, Division of Budget and Finance, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Payroll system; personnel system.

FTC-33

SYSTEM NAME:

Preliminary Investigatory Files-FTC

SYSTEM LOCATION:

Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580.

Indiana Building, 633 Indiana Avenue NW., Washington, D.C. 20580.

Star Building, 101 Pennsylvania Avenue NW., Washington, D.C. 20580.

Gelman Building, 2120 L Street NW., Washington, D.C. 20580.

Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20580.

Logan Building, 1111 18th Street NW., Washington, D.C. 20580.

Bicentennial Building, 600 E Street NW., Washington, D.C. 20580.

Atlanta Regional Office, 1718 Peachtree Street NW., Atlanta, Georgia 30309.

Boston Regional Office, 150 Causeway Street, Boston, Massachusetts 02114.

Chicago Regional Office, 55 East Monroe Street, Chicago, Illinois 60603.

Cleveland Regional Office, Suite 500, Mall Building, 118 Saint Clair Avenue, Cleveland, Ohio 44114.

Dallas Regional Office, 2001 Bryan Street, Suite 2665, Dallas, Texas 75201.

Denver Regional Office, 1405 Curtis Street, Suite 2900, Denver, Colorado 80202.

Los Angeles Regional Office, 13209 Federal Building, 11000 Wilshire Boulevard, Los Angeles, California 90024.

New York Regional Office, 2243-EB Federal Building, 26 Federal Plaza, New York, New York 10007.

San Francisco Regional Office, 450 Golden Gate Ave., San Francisco, California 94102.

Seattle Regional Office, 28th Floor, Federal Building, 915 Second Avenue, Seattle, Washington 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Respondents and correspondents in preliminary investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on individuals generally concerns relations or transactions with, or knowledge about, respondents, or general business and isolated personal information on individual respondents, and other items of information relating to the individual's involvement in the matter in question. This system is composed of files of preliminary investigations (investigations which have not yet become formal and assigned a 7-digit number), but is limited to those files from which personal information is retrieved by the name of an individual or other identifying particular assigned to the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine whether a formal investigation or other action is appropriate. Referral to federal, state, or local government authorities for investigation and possible criminal prosecution, civil action, or regulatory order. Used by Commission staff assigned to reviewing or supervising matter; used by Commission personnel with recordkeeping, managerial, and budgeting responsibilities; used by personnel of other agencies to whom a matter is referred.

Referral to experts, when considered appropriate by Commission.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in file folders and on magnetic disc and tape.

RETRIEVABILITY:

Indexed by name of respondent or correspondent.

SAFEGUARDS:

Access to use of these records is limited to those agency personnel whose official duties require such access.

RETENTION AND DISPOSAL:

Records are transferred to the Records Division if the preliminary investigation becomes a formal investigation; otherwise records are retained by office that conducted the preliminary investigation. No disposal system at present. As of August 1978, the Commission discontinued the utilization of preliminary investigations. See FTC Operating Manual, Chapter 3.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, Records Management Branch, Office of the Secretary; or the Regional Director of the respective Regional Office.

NOTIFICATION PROCEDURE:

Records in this system generally do not contain personal information about individuals and are generally exempt from mandatory disclosure under 5 U.S.C. Sec. 552a(k)(2). However, some personal information relating to individuals may be included and, if retrievable, may be disclosable. Access to such information may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. In order for personal information in this system to be retrieved, a request must specify the name of the party subject to the investigation or adjudicatory proceeding. The request should also specify the bureau (and division, if possible) or Regional Office responsible for the investigation.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual respondent or proposed respondent, company records, complainants, informants, witnesses or other third parties.

SYSTEM EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. Sec. 552a(k)(2), records in this system generally are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. Sec. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-34

SYSTEM NAME:

Public Contact Report System, Atlanta Regional Office—FTC.

SYSTEM LOCATION:

Atlanta Regional Office, Room 1000, 1718 Peachtree Street N.W., Atlanta, Georgia 30309.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual members of the public who file complaints or request information either by telephone or in person concerning matters believed to be of interest or within the jurisdiction of the FTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consist of completed form listing the name of the individual, name of the company about which the individual inquires or complains, and the matter complained of.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Filed for future reference as to possible witnesses if company complained of should come under investigation by the FTC. Also may be used for reference to another office of the FTC or other federal agencies for law enforcement purposes when deemed appropriate. Used by Atlanta Regional Office personnel and by personnel of other FTC units or other agencies to whom a matter is referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Public contact forms maintained in letter-size file folders.

RETRIEVABILITY:

Contact form filed alphabetically by name.

SAFEGUARDS:

Contact forms in standard file cabinet. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Retained for a minimum of one year and disposed of by delivery to and placing in a local government incinerator.

SYSTEM MANAGER AND ADDRESS:

Regional Director, Federal Trade Commission, Atlanta Regional Office, 1718 Peachtree Street NW., Room 1000, Atlanta, Georgia 30309.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Information obtained from the individual.

FTC-35

SYSTEM NAME:

Public Information Mailing List—FTC.

SYSTEM LOCATION:

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, businesses, and organizations which have indicated an interest in receiving FTC materials; selected news media and special interest groups (i.e., organizations to be reached on specific FTC matters).

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains some or all of the following: Name, title, company or organization, mailing address, occupation, and capacity/interest codes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Producing address labels for mailing FTC materials by Office of Public Affairs and other Commission personnel.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disc storage.

RETRIEVABILITY:

Labels for individual addresses can be retrieved by name or computer-assigned identification number.

SAFEGUARDS:

Retrieval of records is restricted to Office of Public Affairs and computer support personnel who have knowledge of computer password.

RETENTION AND DISPOSAL:

Records are retained until a purge action occurs or a request to delete is received. A purge action occurs when an affirmative response to a purge inquiry is not received, and each list entry receives a purge inquiry annually. News media and special interest addresses are retained indefinitely or for a specified length of time unless removal from the list is requested by the individual.

SYSTEM MANAGERS AND ADDRESS:

Director, Office of Public Affairs, Room 496, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual who wishes to receive FTC material and FTC staff referring mailing list requests.

FTC–36

SYSTEM NAME:

Public Information Mailing Lists, Boston Regional Office—FTC.

SYSTEM LOCATION:

Boston Regional Office, Suite 1301, 150 Causeway Street, Boston, Mass. 02114.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

News media personnel, heads of consumer organizations, Attorneys General and key staff, heads of business organizations, selected key individuals such as legislators, government leaders, professors, etc., concerned with consumerism.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, title, organization and address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by staff for purposes of mailing or distributing press releases and other information materials.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on a typed listing which is periodically updated.

RETRIEVABILITY:

Indexed by name and organization.

SYSTEM MANAGER AND ADDRESS:

Public Information Officer, Boston Regional Office, 150 Causeway St., Suite 1301, Boston, Mass. 02114.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

RECORDS ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Boston Regional Office staff, the media, consumer organizations, materials and information supplied by the public, directories, and government officials.

FTC–37

SYSTEM NAME:

Individual Claims Submitted Pursuant to Consent Agreement in *Bachman* v. *Pertschuk,* CA No. 76–0079 (D.D.C. 1978).

SYSTEM LOCATION:

Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Room 164, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former FTC economists, accountants, attorneys, computer specialists, research analysts, and consumer protection specialists and applicants for those positions who file individual claims of discrimination pursuant to the consent agreement in *Bachman* v. *Pertschuk.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Will be used by Administrator of *Bachman* agreement, his assistants, and the magistrate of U.S. District Court of District for Columbia in deciding claims presented.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In cabinet in locked office; held by attorney-advisor to Administrator of agreement.

RETRIEVABILITY:

By name of claimant.

SAFEGUARDS:

Availability only to authorized individuals conducting inquiry into claims.

RETENTION AND DISPOSAL:

No disposal system at present.

SYSTEM MANAGER AND ADDRESS:

Benjamin I. Berman, Office of the Secretary, Room 164, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Claimants' submissions, FTC personnel records.

FTC–38:

System deleted.

FTC–39

SYSTEM NAME:

Staff Advisory Opinion Records–FTC

SYSTEM LOCATION:

Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERERED BY BY SYSTEM:

Applicants for advisory opinions under § 1.1 of the Commission's Rules of Practice, 16 CFR 1.1.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of requester; business information; proposed courses of business action.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by staff and members of the public. To provide staff advice responsive to a request from a member of the public; to maintain record of advice given for use of the staff for preparation of future Commission opinions and to coordinate and assure consistency of position; possible referral to other parts of the FTC or to appropriate federal or state agencies for advice or where law enforcement action may be warranted; used by FTC personnel and other agencies to whom a matter is referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in binders in Public Reference Room. Available to the public.

RETRIEVABILITY:

Generally indexed by name of requesting party.

SAFEGUARDS:

Maintained in lockable office.

RETENTION AND DISPOSAL:

Maintained from June 1962; no present disposal program.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Public Reference Branch, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual proprietorship, corporation, or other business organization, or counsel seeking or receiving a staff advisory opinion.

FTC-40

SYSTEM NAME:

Statement of employment and Financial Interests—FTC.

SYSTEM LOCATION:

Assistant General Counsel, Office of the General Counsel, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel required by FTC regulations to file statements of employment and financial interests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, organization, statement of employment and financial interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive order 11222 and 5 CFR Part 735.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Review of statement of employment and financial interests to ascertain whether a conflict of interest or apparent conflict of interest exists and, if so, to insure that appropriate action is taken to remove conflict. Used by senior Commission employees and members of the General Counsel's Office.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on 8½" x 11" paper.

RETRIEVABILITY:

Indexed by calendar year and organization.

SAFEGUARDS:

Records are maintained in a combination steel vault. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Assistant General Counsel, Room 506, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEM NAME:

Unofficial Personnel Records–FTC.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.
Indiana Building, 633 Indiana Avenue, N.W., Washington, D.C. 20580.
Bicentennial Building, 600 E Street, N.W., Washington, D.C. 20580.
Star Building, 1101 Pennsylvania Avenue, N.W., Washington, D.C. 20580.
Gelman Building, 2120 L Street, N.W., Washington, D.C. 20580.
Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20580.
Logan Building, 1111 18th Street, N.W., Washington, D.C. 20580.

Regional Offices:

Atlanta Regional Office, 1718 Peachtree Street, N.W., Atlanta, Georgia 30309.
Boston Regional Office, 150 Causeway Street, Boston, Massachusetts 02114.
Chicago Regional Office, 55 East Monroe Street, Chicago, Illinois 60603.
Cleveland Regional Office, Suite 500, Mall Building, 118 Saint Clair Avenue, Cleveland, Ohio 44114.
Dallas Regional Office, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.
Denver Regional Office, Suite 2900, 1405 Curtis Street, Denver, Colorado 80202.
Los Angeles Regional Office, 13209 Federal Building, 11000 Wilshire Boulevard, Los Angeles, California 90024.
New York Regional Office, 2243–EB Federal Building, 26 Federal Plaza New York, New York 10007.
San Francisco Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102.
Seattle Regional Office, 28th Floor Federal Building, 915 Second Avenue, Seattle, Washington 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the FTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records contains information or documents about the employment and work history of individual employees. The types of records maintained vary with each supervisor and Commission unit. Each supervisor may maintain some or all of the following records: written notes or memoranda on employee performance (i.e., Attorney Evaluation, Employment Forms), leave, work assignments, or disciplinary problems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. 4301–4308; 6101–6106; 6301–6326; 7301–7352; and 7501–7533.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To be used by the employee's supervisor in evaluating performance, preparing promotion and award recommendations, preparing informal or formal disciplinary actions, approving leave, and making work assignments.

Referral to the Office of Personnel Management concerning pay, benefits, retirement deductions, and other information necessary for OPM to carry out its governmentwide personnel management functions.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are indexed by the names of individuals on whom they are maintained.

SAFEGUARDS:

Access to and use of these records is limited to those whose official duties require such access. Screening by system managers is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the bureau or office which compiled and maintained the information.

SYSTEM MANAGERS AND ADDRESS:

Employee's supervisors, Federal Trade Commission (same address as system location).

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals to whom record pertains; supervisors of employee.

FTC–42: System deleted.

FTC–43: System deleted.

FTC–44: System deleted.

FTC–45

SYSTEM NAME:

Automated Serials Routing System—FTC.

SYSTEM LOCATION:

Library, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Readers of FTC Library periodicals wishing to be on the routing system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and location of reader, employee number, and the name and number of periodical.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To manage serials-routing among readers. Used by staff of FTC Library and other FTC employees with a need to use this system.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On computer disc/tape.

RETRIEVABILITY:

By periodical number and employee number.

SAFEGUARDS:

Access limited to authorized users by means of password.

RETENTION AND DISPOSAL:

Record maintained as long as reader wishes to be on the routing system.

SYSTEM MANAGER(S) AND ADDRESS:

Librarian, Federal Trade Commission (address same as system location).

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC–46

SYSTEM NAME:

Clearance to Participate Applications and the Commission's Responses Thereto—FTC.

SYSTEM LOCATION:

Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Copies of letters from former members or employees of the Commission requesting authorization to appear or participate in a proceeding or investigation, formal or informal, which was pending in any manner in the Commission while such former member of employee served with the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, current employment status, nature of any connection with the proceeding or investigation during service with the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the public. Used also by the Commission's Correspondence Branch staff to track the processing of clearance requests by the Commission. Other Commission staff use the records to make recommendations and determinations on new applications for clearance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in binders and on microfilm in the Public Reference Room.

RETRIEVABILITY:

Indexed by name of the applicant, by the name of the investigation or proceeding, and by date.

SAFEGUARDS:

Maintained in a lockable office.

RETENTION AND DISPOSAL:

Maintained from January 1969; no present disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, Public Reference Branch, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC–47: System deleted.

FTC–48: System deleted.

FTC–49

SYSTEM NAME:

Freedom of Information Act Requests and Appeals from Other Than Governmental Agencies and the Commission's Responses Thereto—FTC

SYSTEM LOCATION:

Records Division, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Information Division, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Office of the General Counsel, Room 560, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Automated Records:

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons filing requests for access to information under the Freedom of Information Act (FOIA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, sometimes purpose of request, and intended use of information, and agreement to pay fees, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act; Freedom of Information Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by staff of the Executive Director's Office, General Counsel's Office, and Bureaus of the Commission to make recommendations and determinations in response to FOIA requests and appeals. Referral to the Office of Management and Budget and to the Congress for annual reports required by the FOIA. Referral to federal enforcement authorities to assist with administrative processing and litigation.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Request and appeal letters, and agency responses thereto, are available to the public for inspection and copying.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

(1) Copies of request and appeal letters, and agency responses thereto, are stored in binders in the Public Reference Room (available to the public). (2) Original request letters, copies of appeal letters (if any) and agency responses, and related internal memoranda, are stored in folders in lockable file cabinets in the Freedom of Information and Privacy Act Branches of the Information Division. (3) Original appeal letters, copies of request letters and agency responses, and related internal memoranda are stored in folders in lockable file cabinets in the General Counsel's Office. Automated data stored on magnetic disc.

RETRIEVABILITY:

Generally indexed by name of requesting party.

SAFEGUARDS:

Maintained in lockable file cabinets in office.

RETENTION AND DISPOSAL:

Full grant response letters and files are destroyed after 2 years. Denials and appeal files are destroyed 4 years after final determination by agency or 3 years after final adjudication by courts, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, FOIA/PA Branch, Office of the Executive Director, and Assistant to the General Counsel for FOIA/PA, Federal Trade Commission (address same as System Location above).

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC–50: System deleted.

FTC–51

SYSTEM NAME:

Privacy Act Requests and Appeals—FTC

SYSTEM LOCATION:

Information Division, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Office of the General Counsel, Room 559, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons filing requests for access to, correction of, or an accounting of disclosures of personal information contained in system of records maintained by the Commission, pursuant to the Privacy Act of 1974.

CATEGORIES OF RECORDS N THE SYSTEM:

Name, address; sometimes purpose of request; intended use of information;

agreement to pay fees, if any; and nature of correction of information requested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act; Privacy Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by staff of the Executive Director's Office, General Counsel's Office, and Commissioners, to make recommendations and determinations in response to Privacy Act requests and appeals. Referral to the Office of Management and Budget and to the Congress for annual reports required by the Privacy Act. Referral to federal enforcement authorities to assist with administrative processing and litigation.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Initial requests stored in lockable files in Secretary's Office. Appeals stored in lockable files in General Counsel's Office.

RETRIEVABILITY:

Indexed by request index number, date of request, and name of requester or appellant.

SAFEGUARDS:

Maintained in lockable offices. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Full grant correspondence and files are destroyed after 2 years. Denials and appeal files are destroyed 4 years after final determination by agency or 3 years after final adjudication by courts, whichever is later.

SYSTEM MANAGERS AND ADDRESS:

Supervisor, FOIA/PA Branch, Office of the Executive Director, and Assistant General Counsel for Legal Counsel, Federal Trade Commission (address same as System Location above).

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

FTC–52

SYSTEM NAME:

Equal Employment Opportunity Statistical Reporting System—FTC.

SYSTEM LOCATION:

Optimum Systems, Inc., 5615 Fishers Lane, Rockville, Maryland 20852.

CATEGORES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and current FTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Coded minority group designations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1301, 3301, 7151, 7154, and Executive Order 10577.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Equal Employment Opportunity Director in composite statistical form only, for analyses and reports within the Commission and to the Congress, Office of Management and Budget, Equal Employment Opportunity Commission, and Office of Personnel Management as required by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on magnetic disc.

RETRIEVABILITY:

Minority group designations may be retrieved by name of group, or by cross-reference to title and grade information contained in FTC System 26, General Personnel Records (Official Personnel Folder and Records Related Thereto); Duplicated Personnel Files and Automated Records.

SAFEGUARDS:

Access may be obtained only by written authorizatin of the Equal Employment Opportunity Director.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Equal Employment Opportunity, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Self-identification or visual identification of each employee by Division of Personnel staff and administrative officer in each regional office.

FTC–53

SYSTEM NAME:

Medical Participation in Control of Certain Open-Panel Medical Prepayment Plans Mailing List.

SYSTEM LOCATION:

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals formally requesting information from the staff regarding the Commission's now-closed investigation of Medical Participation in Control of Blue Shield and Certain Other Open-Panel Medical Prepayment Plans, and individuals from whom comments on advance notice of proposed rulemaking were sought.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; mailing address; business title, if any; type of comment or requests received, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to mail staff report and materials related to the Commission's actions in this matter to interested individuals, and for tracking requests and comments received from such individuals.

If any individual requests that his congressman obtain access to a record concerning that individual, disclosure may be made to the congressional office requesting such information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc packs.

RETRIEVABILITY:

By name and type of comment or request.

SAFEGUARDS:

Access restricted to personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Insofar as individuals request that their names be deleted from the mailing list, records may be retained in the Comnet computer for the duration of related investigations. Disposal will be made upon demand, at the close of related investigations, or prior to the close of those investigations if no longer deemed necessary.

SYSTEM MANAGER AND ADDRESS:

Assistant Director, Bureau of Competition, Room 1038, Pennsylvania Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC-54

SYSTEM NAME:

Discrimination Complaint System—FTC.

SYSTEM LOCATION:

Director, Office of Equal Employment Opportunity, Room 411, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and current FTC employees and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 717 of Title VII of the Civil Rights Act of 1964, as amended, and 29 CFR Part 1613.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to resolve issues related to discrimination because of race, national origin, religion, sex, age, and physical or mental handicap presented in formal complaints and used to make reports to Office of Mangement and Budget, Merits Systems Protection Board, and Equal Employment Opportunity Commission.

Disclosure of information from discrimination complaint files is limited to the complainant, his/her representatives, agency representatives involved in the processing, and the EEO staff.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in lockable file cabinets.

RETRIEVABILITY:

Generally indexed by name of the complainants.

SAFEGUARDS:

Access restricted to Commission's EEO staff and parties concerned in any related proceeding.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Equal Employment Opportunity, Room 411, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC-55

SYSTEM NAME:

Consumer Education Mailing List—FTC.

SYSTEM LOCATION:

Bureau of Consumer Protection, Federal Trade Commission, Room 668, 600 E Street, NW., Washington, D.C. 20580.
Comnet, Inc., 5182 MacArthur Boulevard, Washington, D.C. 20016

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and organizations who have expressed an interest in receiving Commission consumer education material and who are in a position to share the information with consumers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, title, organization, mailing address, and telephone number in most cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to mail consumer education material to individuals and organizations in the best position to disseminate the information to consumers.

Used by staff members of the Bureau of Consumer Protection. Most of the mailing lists are available to the public for inspection and copying, with the exception of lists that are exempt from disclosure under 5 U.S.C. 552.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Letter-size files in filing cabinet and computer disc files.

RETRIEVABILITY:

Indexed by name, name of organization, by zip code, and by list category.

SAFEGUARDS:

Secured as are other files in the Bureau of Consumer Protection by being in a closed drawer in a building with guards stationed at the building entrance. Access limited to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Maintained indefinitely for future reference, updating, and mailing.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Consumer Education, Bureau of Consumer Protection, Federal Trade Commission.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURE:

Same as above.

RECORD CONTESTING PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

[FR Doc. 82-20449 Filed 7-27-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

Redesignation; Iowa Health Service Area No. 1

AGENCY: Health Resources Administration, HHS.

ACTION: Proposed Redesignation.

SUMMARY: This notice announces the Secretary's proposal to revise Iowa Health Service Area No. 1. The Governor of Iowa requested that Iowa Health Service Area No. 1, served by Iowa Health Systems Agency, be revised to include the Iowa counties of Harrison, Shelby, Pottawattamie, Mills, Montgomery, Adams, Fremont, Page, and Taylor. These nine counties had been included in Nebraska Health Service Area No. 3, served by the Health Planning Council of the Midlands, Inc. The nine counties are currently not included in any health service area or served by any health systems agency because the Governor of Nebraska requested and received a Section 1536 designation for his State. Such a designation precludes the Secretary from establishing any health service areas and designating any health systems agencies in a State. As a result, the designation agreement of the Health Planning Council of the Midlands, Inc., was not renewed at the end of its grant year, and the nine counties in Iowa are therefore not included in any health service area.

Since the Secretary believes that inclusion of these nine counties in an existing Iowa health service area would be in the best interest of all concerned, he has requested that the Governor of Iowa provide the Department information required under the Health Service Area Redesignation Regulations published in the **Federal Register** of July 15, 1982, to determine if the proposed revised health service area woud meet the requirements of section 1511(a) of the Public Health Service Act.

Accordingly, the Secretary proposes that Iowa Health Service Area No. 1 constitute a geographic area comprised of the following Iowa counties: Lyon, Osceola, Dickinson, Emmet, Kossuth, Winnebago, Worth, Mitchell, Howard, Winneshiek, Allamakee, Sioux, O'Brien, Clay, Palo Alto, Hancock, Cerro Gordo, Floyd, Chickasaw, Plymouth, Cherokee, Buena Vista, Pocahontas, Humboldt, Wright, Franklin, Butler, Bremer, Fayette, Clayton, Woodbury, Ida, Sac, Calhoun, Webster, Hamilton, Hardin, Grundy, Black Hawk, Buchanan, Delaware, Dubuque, Monona, Crawford, Carroll, Green, Boone, Story, Marshall, Tama, Benton, Linn, Jones, Jackson, Harrison, Shelby, Audubon, Guthrie, Dallas, Polk, Jasper, Poweshiek, Iowa, Johnson, Cedar, Clinton, Pottawattamie, Cass, Adair, Madison, Warren, Marion, Mahaska, Keokuk, Washington, Louisa, Mills, Montgomery, Adams, Union, Clarke, Lucas, Monroe, Wapello, Jefferson, Henry, Des Moines, Fremont, Page, Taylor, Ringgold, Decatur, Wayne, Appanoose, Davis, Van Buren, and Lee. Dakota County, Nebraska (population 16,573) is deleted from Iowa Health Service Area No. 1. The proposed redesignation would increase the population of Iowa Health Service Area No. 1 by 170,685 (1980 estimate) for a population total of 2,712,929 (1980 estimate).

The Secretary also hereby announces that any interested person may request a hearing before the Department concerning this proposed health service area redesignation, and will consider all requests for a hearing which are submitted on or before August 12, 1982. Any comments or requests for a hearing should be submitted to: William R. Berry, Acting Director, Bureau of Health Planning, Health Resources Administration, 3700 East-West Highway, Hyattsville, Maryland 20782.

Dated: July 25, 1982.

Robert Graham,

Acting Administrator.

[FR Doc. 82-20602 Filed 7-27-82; 9:17 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14880-A, F-14880-D Through F-14880-S, and F-14880-U]

Alaska Native Claims Selection

On January 3, and November 14, 1974, Kikiktagruk Inupiat Corporation, for the Native village of Kotzebue, filed selection applications F-14880-A, F-14880-D through F-14880-S, and F-14880-U, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Kotzebue.

As to the lands described below, the applications submitted by Kikiktagruk Inupiat Corporation, as amended, are properly filed, and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 12(a) of ANCSA, aggregating approximately 118,312 acres, is considered proper for acquisition by Kikiktagruk Inupiat Corporation and is hereby approved for conveyance pursuant to section 14(a) of ANCSA.

U.S. Survey No. 2083, Alaska, dependent resurvey and subdivision, Tract 1, located at Kotzebue, Alaska, excluding that portion within ANCSA Sec. 3(e) application f-65074.
Containing approximately 0.858 acre.

U.S. Survey No. 5033, Alaska, lot 2, located on the northeasterly tip of Baldwin Peninsula, approximately 9 miles northeast of Kotzebue, Alaska.
Containing 4.03 acres.

Kateel River Meridian, Alaska

T. 15 N., R. 14 W. (unsurveyed),
Secs. 4, 5, and 6;
Sec. 7, excluding Native allotment F-14006 Parcel A;
Sec. 13, excluding Native allotment F-16031;
Secs. 14, 18, 19, and 20;
Sec. 21, excluding Native allotments F-17281 Parcel B and F-18047 Parcel B;
Sec. 22, excluding Native allotment F-18047 Parcel C;
Secs. 23 to 26, inclusive;
Sec. 27, excluding Native allotment F-18047 Parcel C;
Sec. 28, excluding Native allotments F-17281 Parcel B and F-18047 Parcel B;
Sec. 29;
Sec. 30 (fractional), excluding Native allotments F-17281 Parcel A and F-18047 Parcel A;

Secs. 31 and 32 (fractional);
Sec. 33.

Containing approximately 11,870 acres.

T. 16 N., R. 14 W. (unsurveyed),
Sec. 1;
Sec. 2, excluding Native allotment F-14975 Parcels A and B;
Sec. 3, excluding Native allotments F-14335 Parcel C and F-14975 Parcel A;
Secs. 4 to 9, inclusive;
Sec. 10, excluding Native allotments F-14335 Parcel B and F-14383 Parcel C;
Sec. 11, excluding Native allotment F-17621 Parcel B;
Secs. 12, 17, 18, and 19;
Sec. 20, excluding Native allotments F-17255 Parcel A and F-17286;
Sec. 21, excluding Native allotments F-17255 Parcels A and B and F-17286;
Sec. 25, excluding Native allotments F-13986, F-17530, and F-17634;
Secs. 26 and 27;
Sec. 28, excluding Native allotments F-14003, F-17254, and F-17273;
Secs. 29 to 32, inclusive;
Secs. 33 and 34, excluding Native allotment F-17254;
Sec. 35;
Sec. 36, excluding Native allotment F-17530.

Containing approximately 14,535 acres.

T. 15 N., R. 15 W. (unsurveyed),
Sec. 1;
Secs. 2, 3, and 10 (fractional);
Secs. 11, 12, and 13;
Secs. 14 and 15 (fractional);
Secs. 23, 24, and 25 (fractional).

Containing approximately 4,295 acres.

T. 16 N., R. 15 W. (unsurveyed),
Secs. 1, 2, and 11 (fractional);
Secs. 12 and 13;
Secs. 14 and 23 (fractional);
Secs. 24 and 25;
Secs. 26 and 35 (fractional);
Sec. 36.

Containing approximately 5,900 acres.

T. 16 N., R. 16 W. (unsurveyed),
Secs. 18, 19, and 30.

Containing approximately 1,783 acres.

T. 19 N., R. 16 W. (unsurveyed),
Sec. 7, excluding Native allotment F-13908 Parcel B;
Sec. 8, excluding Native allotments F-15963 and F-17600 Parcel A;
Sec. 16;
Sec. 17, excluding Native allotments F-16976 Parcel A and F-17600 Parcel A;
Sec. 18, excluding Native allotment F-16976 Parcel A;
Secs. 19, 20, and 21;
Sec. 22, excluding Native allotment F-15962;
Sec. 23 (fractional), excluding Native allotments F-15977 and F-15980;
Sec. 24 (fractional);
Sec. 28 (fractional), excluding Native allotments F-15961, F-15976, and F-16005;
Secs. 29 and 30, excluding Native allotment F-16003;
Sec. 31, excluding Native allotments F-022692 and F-15971;
Sec. 32 (fractional), excluding Native allotments F-12121 Parcel A and F-13317 Parcel B;
Sec. 33 (fractional), excluding Native allotment F-15976.

Containing approximately 8,355 acres.

T. 16 N., R. 17 W. (unsurveyed),
Secs. 1 to 36, inclusive.

Containing approximately 22,760 acres.

T. 18 N., R. 17 W. (partially surveyed),
Sec. 1 (fractional), excluding Native allotments F-13317 Parcel A and F-15971;
Secs. 2 and 3 (fractional), excluding Native allotment F-18589 Parcel B;
Secs. 4, 5, and 6 (fractional);
Sec. 19, lots 1 and 4, excluding Native allotment F-13908 Parcel A, lot 5, SE¼SW¼, SW¼SE¼;
Sec. 20, lot 1;
Sec. 23 (fractional), excluding U.S. Survey No. 5033;
Secs. 24 and 25 (fractional);
Sec. 26 (fractional), excluding U.S. Survey No. 5033;
Sec. 27 (fractional), excluding Native allotment F-15993 Parcel A;
Sec. 29, lots 2 and 3, NW¼SW¼;
Sec. 30, excluding Native allotments F-15955, F-16006, and F-17679;
Sec. 31, excluding Native allotments F-024732, F-12121 Parcel B, F-17673, F-17674 Parcels A and B, F-17679, and F-17838;
Sec. 32, lots 1, 2, and 3, SW¼NE¼, S½NW¼, S½;
Sec. 33, lots 1, 2, 3, and 4, SE¼NE¼, S½;
Sec. 34;
Sec. 35;
Sec. 36 (fractional).

Containing approximately 5,878 acres.

T. 20 N., R. 17 W. (unsurveyed),
Sec. 2, excluding Native allotment F-15983;
Sec. 3, excluding Native allotment F-15991 Parcel A;
Sec. 4, excluding Native allotment F-16007;
Sec. 5, excluding Native allotments F-13760 and F-15953;
Sec. 7, excluding Native allotments F-13760, F-15956 Parcel A, and F-15987;
Sec. 8, excluding Native allotments F-13760, F-15954, and F-15965;
Sec. 9, excluding Native allotments F-15954, F-15965, and F-15973;
Sec. 10, excluding Native allotment F-16002;
Sec. 11, excluding Native allotments F-14212 Parcel B and F-15957;
Sec. 14, excluding Native allotments F-026395 and F-15072;
Sec. 15, excluding Native allotments F-13604, F-15072, and F-16977;
Sec. 18, excluding Native allotment F-15987;
Sec. 21, excluding Native allotments F-15992 and F-17577 Parcel A;
Sec. 22, excluding U.S. Survey No. 4380 (Native Allotment F-95), Native allotments F-15072, F-15958, F-15986 Parcel A, F-15992, F-15997, and F-17577 Parcel A;
Sec. 27, excluding U.S. Survey No. 4380 (Native allotment F-95), Native allotments F-15935, F-15986 Parcel A, F-15997, and F-16343 Parcel A;
Sec. 28, excluding Native allotments F-13829, F-14213 Parcel A, F-14976, F-15984, and F-15992;
Sec. 33, excluding Native allotments F-13875, F-14212 Parcel A, F-14976, and F-18046;
Sec. 34, excluding Native allotments F-13875, F-15935, F-15985, and F-16343 Parcel A;
Sec. 35, excluding Native allotment F-15985.

Containing approximately 5,221 acres.

T. 21 N., R. 17 W. (unsurveyed),
Sec. 7, excluding Native allotment F-17597;
Sec. 16, excluding Native allotments F-15991 Parcel B and F-18591;
Sec. 17, excluding Native allotment F-15991 Parcel B;
Sec. 18;
Sec. 19, excluding Native allotments F-17585 Parcel A; and F-17606;
Sec. 20, excluding Native allotments F-15952 and F-17606;
Sec. 21, excluding Native allotments F-15952 and F-18591;
Sec. 29;
Sec. 30, excluding Native allotments F-14007 and F-17585 Parcel A.

Containing approximately 4,238 acres.

T. 15 N., R. 18 W. (unsurveyed),
Sec. 2 (fractional), excluding ANCSA Sec. 3(e) application F-23136.

Containing approximately 100 acres.

T. 17 N., R. 18 W. (surveyed),
Sec. 1, lots 3 and 4, SE¼NE¼, NW¼SW¼, NE¼SE¼, S½SE¼;
Sec. 2, lots 1, 4, and 5;
Sec. 10, lot 1;
Sec. 11, excluding U.S. Survey No. 2645, ANCSA Sec. 3(e) application F-65065 Tracts B and C, and Native allotments F-17729 and F-17835 Parcel B;
Sec. 12, lot 1, E½, and the submerged lands beneath the unnamed lake, W½ excluding ANCSA Sec. 3(e) application F-65065 Tract B;
Sec. 13, lots 1, 2, and 3, W½, W½SE¼, SE¼SE¼, and the submerged lands beneath the unnamed lake;
Sec. 14, excluding ANCSA Sec. 3(e) application F-65065 Tract C, and Native allotments F-15995, F-15996, and F-17834 Parcel A, including the submerged lands beneath the unnamed lakes;
Sec. 16, lot 1;
Sec. 21, lots 3, 4, and 5, NE¼SE¼, SE¼SE¼ excluding Public Land Order 883;
Sec. 22, W½NE¼, SE¼NE¼, E½NW¼, SE¼, W½SE¼, excluding Public Land Order 883, E½SE¼;
Sec. 23, lot 1, NE¼, S½NW¼, S½, and the submerged lands beneath the unnamed lake;
Sec. 24, lots 1 to 5, inclusive, N½NE¼, SW¼NE¼, NW¼, N½SW¼, NW¼SE¼, SE¼SE¼, and the submerged lands beneath the unnamed lakes;
Sec. 25, lots 1 to 7, exclusive, E½NE¼, S½, and the submerged lands beneath the unnamed lakes;
Sec. 26;
Sec. 27 (fractional), excluding Public Land Order 883 and Native allotment F-17836;
Sec. 28, lot 1 excluding Public Land Order 883;
Sec. 34, E½NE¼;
Sec. 35, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 36.

Containing approximately 6,866 acres.

T. 19 N., R. 18 W. (unsurveyed),
Sec. 1;
Sec. 2, excluding Native allotment F–13231;
Sec. 3, excluding Native allotments F–13231, F–13880, F–14656 Parcel B, F–17562, and F–17586;
Sec. 4, excluding Native allotments F–13880, F–14656 Parcel B, and F–19179;
Sec. 5, excluding U.S. Survey No. 5299 lot 2, and Native allotments F–16341 Parcel B, F–16469 Parcel B, F–17676, and F–19179;
Sec. 6, excluding U.S. Survey No. 5299 lot 1, and Native allotments F–16469 Parcel B, F–17602, and F–17677;
Sec. 7, excluding Native allotments F–13236, F–16469 Parcel B, and F–17601;
Sec. 8, excluding U.S. Survey No. 5229 lot 3, and Native allotments F–13236, F–16341 Parcel B, F–16469 Parcel B, and F–19021 Parcel B;
Sec. 9, excluding Native allotments F–13880 and F–14656 Parcel B;
Sec. 10, excluding Native allotments F–13231, F–13805, F–13880, and F–17562;
Sec. 11, excluding Native allotments F–13231 and F–15010;
Sec. 12, excluding Native allotments F–17593;
Sec. 13, excluding Native allotment F–17588 Parcel B;
Secs. 14 to 17, inclusive;
Secs. 18, 19, 20, and 21 (fractional);
Sec. 22, excluding Native allotment F–17301 Parcel A;
Sec. 23;
Sec. 24 (fractional), excluding Native allotment F–17588 Parcel B;
Secs. 25 to 29 (fractional), inclusive;
Secs. 32 to 36 (fractional), inclusive.

Containing approximately 13,528 acres.

T. 20 N., R. 18 W. (unsurveyed),
Sec. 3, excluding Native allotment F–17678;
Sec. 4, excluding Native allotments F–17678 and F–17680;
Sec. 9, excluding Native allotments F–14008 and F–17603;
Sec. 10, excluding Native allotment F–17603;
Sec. 11;
Sec. 12, excluding Native allotment F–13881;
Sec. 13, excluding Native allotments F–15271, F–17565 Parcel A, and F–18589 Parcel A;
Sec. 14, excluding Native allotments F–15271 and F–16344;
Sec. 15, excluding Native allotments F–17599 and F–17603.

Containing approximately 3,423 acres.

T. 21 N., R. 18 W. (unsurveyed),
Sec. 1, excluding Native allotment F–17438 Parcel A;
Secs. 2 and 4;
Sec. 5, excluding Native allotment F–17437 Parcel A;
Sec. 12, excluding Native allotment F–17597;
Sec. 25, excluding Native allotments F–14007, F–17683, and F–17730;
Sec. 35;
Sec. 36, excluding Native allotments F–14007 and F–17604.

Containing approximately 3,845 acres.

T. 22 N., R. 18 W. (unsurveyed),
Sec. 31, excluding Native allotments F–13592, F–13593, F–16894, and F–17585 Parcel B;
Sec. 32, excluding Native allotments F–16894 and F–17437 Parcel A;
Sec. 33, excluding Native allotment F–18036 Parcel A;
Sec. 34, excluding Native allotments F–13332 Parcel B, F–14221 Parcel A, F–16893 Parcels A, B, and C, and F–18036 Parcel A;
Sec. 35, excluding Native allotments F–13332 Parcel B, F–16893 Parcel A, F–17438 Parcel A, and F–18036 Parcel B;
Sec. 36, excluding Native allotment F–17438 Parcel A.

Containing approximately 2,320 acres.

T. 18 N., R. 19 W. (unsurveyed),
Sec. 3 (fractional);
Sec. 4 (fractional), excluding Native allotments F–17438 Parcel B, F–18377 Parcel B, and F–18494 Parcel B.

Containing approximately 75 acres.

T. 19 N., R. 20 W. (unsurveyed),
Secs. 13 and 14, excluding Native allotment F–17589;
Sec. 15;
Sec. 16, excluding Native allotments F–17565 Parcel B and F–17559;
Sec. 17 (fractional), excluding Native allotments F–17557, F–17559, and F–17561;
Sec. 18 (fractional), excluding Native allotments F–17557 and F–17563 Parcel A;
Sec. 22 (fractional), excluding Native allotments F–13826, F–17553 Parcel A, and F–17563 Parcel B;
Sec. 23 (fractional), excluding Native allotments F–13099 Parcel A, F–16469 Parcel A, and F–17588 Parcel A;
Sec. 24 (fractional), excluding Native allotments F–13099 Parcel A, F–13100, F–13101 Parcel A, F–16342, and F–16456.

Containing approximately 3,315 acres.

Aggregating approximately 118,307 acres.

Total aggregated acreage, approximately 118,312 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the originals of which will be found in easement case file F–14880–EE.

Also excluded form the above-described lands herein approved for conveyance are lands covered by tidal waters up to the line of mean high tide. Actual limits of tidal influence for any other water bodies within the lands to be conveyed, if any, will be determined at the time of survey.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Sec. 3(e) of ANCSA; or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F–14880–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site—The uses allowed for a site easement are: Vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 3 C3, D1, D9) An easement twenty-five (25) feet in width for

overland parts of an existing winter access trail from Kotzebue northerly across Hotham Inlet, generally following the Noatak River to the village of Noatak. The uses allowed are those listed for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

b. (EIN 3a C3, D1, D9) An easement twenty-five (25) feet in width for an existing access trail from the left bank of the Noatak River, Sec. 20, T. 21 N., R. 17 W., Kateel River Meridian, southeasterly to public land. The uses allowed are those listed for a twenty-five (25) foot wide trail easement.

c. (EIN 5 O) An easement twenty-five (25) feet in width for a proposed access trail near the mouth of the Agashashok River, in Sec. 35, T. 22 N., R. 18 W., Kateel River Meridian, northesterly to public land. The uses allowed are those listed for a twenty-five (25) foot wide trail easement. The season of use will be limited to summer.

d. (EIN 8 D1, D9) An easement twenty-five (25) feet in width for an existing access trail from the edge of State patented submerged lands within Sec. 11, T. 17 N., R. 18 W., Kateel River Meridian, southeasterly to Noorvik. The uses allowed are those listed for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

e. (EIN 12 D1) An easement twenty-five (25) feet in width for an existing access trail from the west section line of Sec. 18, T. 16 N., R. 17 W., Kateel River Meridian, southeasterly to public land. The uses allowed are those listed for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

f. (EIN 15 C5) An easement sixty (60) feet in width for an existing road from the south boundary of patent No. 1236172, in Sec. 16, T. 17 N., R. 18 W., Kateel River Meridian, southerly to public land in T. 16 N., R. 18 W., Kateel River Meridian. The uses allowed are those listed for a sixty (60) foot wide road easement.

g. (EIN 17 C5, C6) A one (1) acre site easement upland of the ordinary high water mark in Sec. 35, T. 22 N., R. 18 W., Kateel River Meridian, on the left bank of the Noatak River. The uses allowed are those listed for a one (1) acre site.

h. (EIN 20 C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 24, T. 19 N., R. 18 W., Kateel River Meridian, on the left bank of the Noatak River. The uses allowed are those listed for a one (1) acre site.

i. (EIN 36 C5) An easement twenty-five (25) feet in width for a proposed access trail from the right bank of the Noatak River in Sec. 7, T. 20 N., R. 17 W., Kateel River Meridian, southeasterly to public land. The uses allowed are those listed for a twenty-five (25) foot wide trail easement.

j. (EIN 36a C4) A one (1) acre site easement upland of the ordinary high water mark in Sec. 7, T. 20 N., R. 17 W., Kateel River Meridian, on the left bank of the Noatak River. The uses allowed are those listed for a one (1) acre site.

k. (EIN 39 C5) An easement twenty-five (25) feet in width for a proposed access trail from the left bank of the Noatak River near the mouth of Hugo Creek in Sec. 14, T. 20 N., R. 17 W., Kateel River Meridian, southeasterly to public land. The uses allowed are those listed for a twenty-five (25) foot wide trail easement.

l. (EIN 41 C5) An easement twenty-five (25) feet in width for a proposed access trail from the right bank of the Noatak River in Sec. 7, T. 21 N., R. 17 W., Kateel River Meridian, southwesterly to public land and resources. The uses allowed are those listed for a twenty-five (25) foot wide trail easement.

m. (EIN 41a C4) A one-quarter (¼) acre site easement upland of the ordinary high water mark in Sec. 7, T. 21 N., R. 17 W., Kateel River Meridian, on the right bank of the Noatak River. The uses allowed are those listed for a one (1) acre site. No overnight camping will be permitted.

n. (EIN 50a C4) A one-quarter (¼) acre site easement upland of the ordinary high water mark in Sec. 20, T. 21 N., R. 17 W., Kateel River Meridian, on the left bank of the Noatak River. The uses allowed are those listed for a one (1) acre site easement. No overnight camping will be permitted.

o. (EIN 53 C5) A transportation and communications easement sixty-five (65) feet in width for an existing road and two (2) buried communications cables, from the southern edge of patented State land in Sec. 16, T. 17 N., R. 18 W., Kateel River Meridian, southerly to the north boundary of the U.S. Air Force withdrawal. The uses allowed are those listed for a sixty (60) foot wide road easement and those uses associated with the construction, operation, and maintenance of the communication cable facilities.

p. (EIN 57 M) A one (1) acre site easement upland of the mean high tide line in Sec. 18, T. 16 N., R. 14 W., Kateel River Medidian, on the right bank of Riley Channel. The uses allowed are those listed for a one (1) acre site.

q. (EIN 58 C5) A one-quarter (¼) acre site easement upland of the mean high water mark in Sec. 14, T. 20 N., R. 17 W., Kateel River Meridian, on the left bank of the Noatak River near the mouth of Hugo Creek. The uses allowed are those listed for a one (1) acre site. No overnight camping will be permitted.

r. (EIN 65 C5) An airspace/restricted surface use easement on all lands within a two thousand (2,000) foot radius of the existing VORTAC station in Sec. 11, T. 17 N., R. 18 W., Kateel River Meridian. The allowed use of the easement is for control of airspace and surface use. There will be no uses allowed within the easement which might interfere with the functional operation of the VORTAC station or otherwise constitute an airport hazard.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat, or supplemental plat, of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Airport lease F–031466 located within Secs. 11, 12, and 13, T. 17 N., R. 18 W., Kateel River Meridian, issued to the State of Alaska, Department of Transportation and Public Facilities, under the provisions of the act of May 24, 1928 (49 U.S.C. 211–214);

4. A right-of-way, F–033395, located within Sec. 11, T. 17 N., R. 18 W., Kateel River Meridian, for a power line granted to the Kotzebue Electric Association, Inc., under the provisions of the act of February 15, 1901 (43 U.S.C. 959), as amended;

5. A right-of-way, F–23302, located within Sec. 11, T. 17 N., R. 18 W., Kateel River Meridian, for an access road, granted to the U.S. Department of Transportation, Federal Aviation Administration, under the provisions of Public Law 94–579 (October 21, 1976) Title V (43 U.S.C. 1761–1771); and

6. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Reindeer Grazing Permit F–21633, issued to Qungniq, Inc., on January 1, 1982, located within the lands herein approved for conveyance, will terminate upon conveyance of these lands in accordance with Sec. 9, Additional Conditions or Stipulations of the permit.

Kikiktagruk Inupiat Corporation is entitled to conveyance of 161,280 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 138,629 acres. The remaining entitlement of approximately 22,651 acres will be conveyed at a later date.

Pursuant to section 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be granted to NANA Regional Corporation, Inc. when conveyance is granted to Kikiktagruk Inupiat Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulations 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the ANCHORAGE TIMES.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in 43 CFR Part 4, Subpart E, as revised. However, pursuant to Public Law 96–487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 27, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. (See encolsed DOI Form 1842–1.)

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Kikiktagruk Inupiat Corporation, Box 333, Kotzebue, Alaska 99752

NANA Regional Corporation, Inc., P.O. Box 49, Kotzebue, Alaska 99752

State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7–005, Anchorage, Alaska 99510

Ann Johnson,

Chief, Branch of Alaska Native Claims Settlement Act Adjudication.

[FR Doc. 82–20524 Filed 7–27–82; 8:45 am]

BILLING CODE 4310–84–M

Colorado State Office; Chief, Division of Operations; Chief, Branch of Lands and Minerals Operations; Chief, Lands and Mining Section; Chief, Mineral Leasing Section; Chief, Records and Public Services Section; Redelegation of Authority

1. Pursuant to the authority contained in § 1.1(a), Bureau Order No. 701 of July 23, 1964, (29 FR 10526, July 29, 1964), as amended, I hereby redelegate to the following staff members the authority to take all actions on the following matters:

a. The Chief, Division of Operations, may take all actions on matters listed in §§ 1.2 through 1.6 and § 1.9 of Part I of Bureau Order No. 701, as amended, *supra.*

b. The Chief, Branch of Lands and Minerals Operations, may take all actions on matters listed in §§ 1.2 (b) and (c), 1.3 (a) and (c), 1.5 (b) and (c), 1.6 (a) through (n), and 1.9 (a) through (s), (u), (x), and (y) of Part I of Bureau Order No. 701, as amended, *supra.*

c. The Chief, Lands and Mining Section, operating under the guidance and supervision of the Chief, Branch of Lands and Minerals Operations, may take all actions on matters listed in §§ 1.2(b), 1.3 (a) and (c), 1.5 (b) and (c), 1.6(k), and 1.9 (a) through (s) and (u), (x), and (y) of Part I of Bureau Order No. 701 as amended, *supra.*

d. The Chief, Mineral Leasing Section, operating under the guidance and supervision of the Chief, Branch of Lands and Minerals Operations, may take all actions on matters listed in § 1.2(b), 1.3 (a) and (c), and 1.6 (a) through (j) and (1) through (n), of Part I of Bureau Order No. 701, as amended *supra.*

e. The Chief, Records and Public Services Section, operating under the guidance and supervision of the Chief, Branch of Lands and Minerals Operations, may take all actions on matters listed in §§ 1.2(c), 1.3(c), and 1.4(a)(4) of Part I of Bureau Order No. 701, as amended, *supra*; and, as to mining claim instruments filed for recordation with BLM under 43 CFR Part 3833, pursuant to § 1.6(k) of said order:

(1) Accept and record instruments meeting recordation requirements;

(2) Notify owners to take curative actions to complete defective filings;

(3) Reject instruments not filed within the prescribed time periods or not accompanied by required filing fees.

f. The Supervisor, Public Services Unit, and the Alternate Supervisor, Public Services Unit, operating under the guidance and supervision of the Chief, Records and Public Services Section, may take actions on all matters listed in § 1.2(c) of Part I of Bureau Order No. 701, as amended, *supra.*

2. All actions taken under this redelegation must be done in accordance with all applicable laws, regulations, and legal precedent.

3. The Chiefs of the above listed Division and Branch, and the Chiefs of the above listed staffs, may, by written order, designate any qualified subordinate on their staff to perform the functions of their positions during their absences.

4. This redelegation of authority supercedes the redelegation to the Chief, Branch of Adjudication, published in the **Federal Register** on August 17, 1977; the redelegation from the Chief, Branch of Adjudication, to the Craig, Montrose, and Canon City-Grand Junction Team Leaders published in the **Federal Register** on September 15, 1977, as corrected in the **Federal Register** on October 14, 1977; the redelegation to the Chief, Branch of Records and Data Management published in the **Federal Register** on July 13, 1971; and the redelegation to the Supervisory Public Service Specialist and the Public Service Specialist published in the **Federal Register** on July 15, 1971.

5. This redelegation will become effective fifteen days after publication.

Harold R. Martin,

Acting State Director, Colorado.

Approved: July 21, 1982.

James M. Parker,

Associate Director, BLM.

[FR Doc. 82-20391 Filed 7-27-82; 8:45 am]

BILLING CODE 4310-84-M

[M 53205-B(SD)]

South Dakota; Classification of Public Lands for State Indemnity Selection

Correction

In FR Doc. 82-19138, beginning on page 30877 in the issue of Thursday, July 15, 1982, the first line of the 15th land description under "Black Hills Meridian" (column two, page 30877) should have read, "T. 2 S., R. 7 E.,"

BILLING CODE 1505-01-M

Arizona; Conveyance of Public Land

Notice is hereby given that pursuant to section 203 of the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), Charles E. Sheppard and Gwendolyn B. Sheppard, have purchased by noncompetitive sale public land in Yavapai County, Arizona, described as:

Gila and Salt River Meridian, Arizona,

T. 14 N., R. 2 W.,
Sec. 9, Lot 2.

Containing 3.57 acres.

The purpose of this notice is to inform the public and interested State and local government officials of the issuance of the patent to the above-named persons.

Mario L. Lopez,

Chief, Branch of Lands and Mineral Operations.

[FR Doc. 82-20397 Filed 7-27-82; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Conveyance of Public Land

Notice is hereby given that pursuant to section 203 of the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), Gustavious W. Comeaux and Norma Jean Comeaux, have purchased by noncompetitive sale public land in Maricopa County, Arizona, described as:

Gila and Salt River Meridian, Arizona,

T. 7 N., R. 2 E.,
Sec. 27, Lot 48.

Containing 0.758 acres.

The purpose of this notice is to inform the public and interested State and local government officials of the issuance of the patent to the above-named persons.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-20398 Filed 7-27-82; 8:45 am]

BILLING CODE 4310-84-M

[ES 30506, Survey Group 78]

Michigan; Filing of Plat of Survey

1. On November 19, 1981, the plat representing the survey of 4 islands in Lake Huron and 2 islands in Gravel Lake, 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 26, 1982.

The tracts shown below describe the islands omitted from the original survey.

Michigan Meridian, Michigan

T. 41 N., R. 5 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. Tract No. 37 rises approximately 3 feet above the ordinary high water mark of Lake Huron and has a soil composition of humus over glacial-till. Tree species consist of white pine, cedar, tamarack, and birch. Borings showed trees to be up to 60 years old. Large boulders were found on the island.

b. The island Tract No. 38 rises approximately 3 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 and spruce. Borings showed trees to be up to 70 years old. Large boulders were found on the island.

c. Tract No. 39 rises approximately 3 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 and spruce. Borings showed trees to be up to 70 years old. Large boulders were found on the island.

d. The island Tract No. 40 rises approximately 3 feet above the ordinary high water mark of Lake Huron and has a soil composition of stony loam over glacial-till. Timber consists of white pine, cedar, spruce and birch. Borings showed trees to be up to 70 years old. Large boulders were found on the island.

e. Tract No. 41 rises approximately 2 feet above the ordinary high water mark of Gravel Lake and has a soil composition of stony loam over glacial-till. Tree species consist of cedar, spruce and tamarack. Borings showed trees to be up to 60 years old. Large boulders were found on the island.

f. The island Tract No. 42 rises approximately 2 feet above the ordinary high water mark of Gravel Lake and has a soil composition of stony loam over glacial-till. Timber consists of white pine, cedar, spruce and balsam fir. Borings showed trees to be up to 60 years old. Large boulders were found on the island.

3. The islands 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 lands.

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 26, 1982.

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82-20399 Filed 7-27-82; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

A Cooperative Indiana-Michigan Anadromous Fisheries Program for the St. Joseph River; Record of Decision

I have evaluated the alternatives for a Joint Federal-State project to enhance salmon and trout sport fishing on the St. Joseph River as presented in the Draft and Final Environmental Impact Statements and have reviewed the public comments. I find that the choice of Alternative A is based on a thorough analysis in relation to the relevant environmental, social and economic conditions. As Regional Director, I have decided to recommend Alternative A.

The selected plan provides for increased local recreational fishery needs and opportunities over a 63-mile stretch of river (16 miles in Indiana and 47 miles in Michigan). The project involves construction of a total of four fish passage facilities (fish ladders) on two dams in each of the two states—Michigan and Indiana. To provide free movement of these fish between Lake Michigan and base of Twin Branch Dam in Mishawaka, Indiana, fish ladders will be constructed at four dams: Buchanan,

Michigan; French Paper Company Dam at Niles, Michigan; South Bend Dam at South Bend, Indiana and Uniroyal Dam at Mishawaka, Indiana.

Alternatives

Environmentally Preferable Plan

The selected plan is environmentally preferable to the other alternatives considered. It was formulated on the basis of reasonable initial cost, the financial ability of two states to support ongoing operational costs, the limited public access to the river upstream from the Twin Branch Dam, expected return rates of stocked salmonids and biological and sporting characteristics of the fish. It would establish anadromous populations of salmon and steelhead trout in the lower 63 miles of the St. Joseph River. A new cold water fish hatchery would be constructed and operated by Indiana to supply 425,000 chinook salmon and 225,000 steelhead trout annually for stocking the river.

Public access facilities to the river would be upgraded to provide additional parking areas, improved shoreline fishing access, suitable boat launching ramps, sanitary facilities and fish cleaning stations.

Other Alternatives

Alternative B consisted of continuing the present fishery management plan with no major changes. This includes maintenance of the trout and salmon fishery in the lower 33 miles of the St. Joseph River, Michigan. The river would continue to provide recreational fishing opportunity but at a level far below the river's fishery potential and needs of the fishing public.

Three additional alternatives were considered but dismissed during early planning stages:

1. A large scale put and take trout stocking program was dismissed because of the high cost of stocking a river this large with sufficient numbers of catchable size trout.

2. Stimulate improvement with existing fish populations. The open ended nature of streams preclude the effective application methods used at inland lakes (supplemental stocking, chemical manipulation, weed control, fertilization, drawdown). This alternative, therefore, was not considered a viable alternative to meet State goals.

3. The third alternative, new introductions of non-salmonid species such as walleye and tiger muskellunge is already being used on the lower St. Joseph River in Michigan. However, while stocking programs for non-salmonid species may be developed or expanded in the future, they alone will not satisfy the need for a major increase in available recreational fishing opportunities.

Mitigation and Minimization of Environmental Harm

All practical means to avoid or minimize adverse environmental effects have been incorporated into the project.

Environmental components which will not be affected in any important way by the project activities include atmospheric, topography geology, water quality, vegetation, terrestrial wildlife and land use.

The most significant project related impacts include fishery resources, recreation, sociology and economics. Floodplains and wetlands will not be affected by project activities. Efforts will be made to insure laws on protection of wetlands and floodplains are followed. The project falls within the range of the white cats paw pearly mussel, *Epioblasma dysnomia sulcata delicata.* However, since the project only involves modification of existing structures, the mussel will not be affected by the project. No other endangered species will be affected by project activities.

The construction of fish passage facilities at Buchanan and Niles, Michigan dam sites is the only activity which may affect archeological features. If present, ladder design will be modified to minimize or avoid impact to these features.

Compliance With Environmental Requirements

In accordance with Section 401 of the Inter-governmental Cooperation Act of 1968, this Department of the Interior action is consistent and compatible with State, regional and local development plans and programs.

Summary

The proposed action is consistent with national policies, statutes and administration directives. It is based on a thorough analysis and evaluation of practicable alternatives for achieving the stated objective.

Dated: July 20, 1982.

James C. Gritman,

Acting Regional Director, Fish and Wildlife Service Region 3, Twin Cities, Minnesota.

[FR Doc. 82-20396 Filed 7-27-82; 8:45 am]

BILLING CODE 4310-55-M

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Land Reclamation Program

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

ACTION: Receipt and approval of the Abandoned Mine Land Reclamation (AMLR) Grant Application from the State of Missouri.

SUMMARY: On March 26, 1982, the State of Missouri submitted to the Office of Surface Mining Reclamation and Enforcement (OSM) its proposed Abandoned Mine Land Reclamation (AMLR) grant application under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The grant application was approved on July 11, 1982.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, State Director, Missouri State Office, 816/374-5527, 818 Grand Avenue, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: On March 26, 1982, OSM received an AMLR grant application from the State of Missouri which was approved on July 11, 1982. The purpose of this submission is to implement the State reclamation program as codified in 39 CFR, Chapter VII, Subchapter T Part 925 as published in the **Federal Register** 45 FR 70445 on January 20, 1982.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Public Law 95-87, 30 U.S.C. 1201 *et seq.*, establishes an AMLR program for the purposes of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State and Federal law.

Each State having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA may submit to the Secretary a State reclamation grant application to implement the provisions of the approval State Reclamation Plan.

However, grants for reclamation may be issued only to States with an approved Title V Regulatory Program and an approved State Reclamation Plan.

A State Reclamation Plan for Missouri was submitted to the Secretary on September 11, 1981, and approved on January 20, 1982, which demonstrated the capability of the State to administer an AMLR program in accordance with Title IV of SMCRA. In approving the State Plan the Secretary determined that the State had the necessary State legislation to implement the provisions of the Plan.

The Director has found that the State has given the public adequate notice and opportunity to comment in public hearings, and the record of such hearings does not reflect major unresolved controversies.

In order to comply with the requirements of the National Environmental Policy Act, OSM assessed the environmental effects of all State reclamation projects. The primary basis for this assessment is the environmental information provided in the project grant application.

The Missouri AMLR grant application was approved based on the following:

1. The Director found that the public has been given adequate notice and opportunity to comment, and the record did not reflect major unresolved controversies.
2. Views of other Federal agencies have been solicited and considered.
3. The application met all the requirements of the OSM, AMLR program provisions and the required Federal circulars.
4. The State has an approved regulatory program and an approved State reclamation plan.

The following constitutes a summary of the contents of the submission:

1. Designation of authorized State Agency to administer the program,
2. Objectives and need for the assistance,
3. Project ranking and selection,
4. Coordination with other reclamation programs,
5. Results and benefits expected,
6. Plan of action pertaining to the scope,
7. Monthly or quarterly projections of accomplishments to be achieved,
8. Kinds of data to be collected and maintained,
9. Criteria used to evaluate the results and success of the projects,
10. Key individuals to be employed,
11. Precise location of the project and area to be served,
12. Budgetary calculations for each project,
13. Description of the public's participation in planning and preparation of the grant application, and
14. A complete environmental assessment for each project.

Reclamation projects included in the grant application and location:

Boone County, Silver Ford Reclamation Project (Mine shaft).

Henry, Johnson and Benton Counties, Tebo Creek Reclamation Project (5 sites: toxic spoil material, stream sedimentation, acid mine drainage).

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 82-20406 Filed 7-27-82; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Date: July 23, 1982.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subject change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2) the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Central States Non-Stock Co-operative Association.

(2) P.O. Drawer V, Fremont, Nebraska 68025.

(3) 1745 N. Airport Rd., Fremont, NE 68025.

(4) Tom Ladehoff, P.O. Drawer V, Fremont, NE 68025.

(1) Cross Country Refrigerated Exress, Inc.

(2) P.O. Box 421, Checotah, OK 74426.

(3) Highway 69 South, Checotah, OK 74426.

(4) William Smalley, 6229 N. Grand Ave., Oklahoma City, OK 73118.

(1) Neillsville Co-Op Transport.

(2) Box 39, Neillsville, WI 54456.

(3) Hwys. 73 & 95 South, Neillsville, WI 54456.

(4) L. H. Fankhauser, Box 30, Neillsville, WI 54456.

(1) Spencer Trucking, Inc.

(2) Box 781, Sturgis, SD 57785.

(3) Box 781, Sturgis, SD 57785.

(4) David Robinson, 2228 W. Northern Ave., Phoenix, AZ 85021.

(1) Two Rivers Cooperative Company.

(2) Renwick, Iowa 50577.

(3) Two Rivers Cooperative Co., Renwick, IA 50577.

(4) David D. Nelson, Esq., 222 Equitable Bldg., Des Moines, IA 50309.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-20377 Filed 7-27-82; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. OP2-161A]

Motor Carriers; Motor Carriers Finance Applications Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: July 15, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC-F-14885, filed June 28, 1982. RICHARD L. WINDORSKI AND EUGENE H. COLE, JR. (Applicants), (P.O. Box 1023, Wausau, WI 55401)—CONTINUANCE IN CONTROL—INTERAMERICAN CARRIER CORPORATION (Interamerican) (P.O. Box 1023, Wausau, WI 54401). Representative: Daniel C. Sullivan, Suite 1700, 180 N. Michigan Avenue, Chicago, IL 60601. Applicants seek authority to continue in control of Interamerican upon the institution by Interamerican of operations, in interstate and foreign commerce, as a motor common carrier. Applicants, who own 50% of Interamerican's stock, seek to acquire control of said rights and property through the transaction.

Applicants (non-carriers), also control Haupt Contract Carriers, Inc., which holds common and contract carrier authority issued by the Commission in Docket Nos. MC-126346 and MC-149497 and Subs thereto.

Note.—Interamerican has filed as a directly related application its initial common carrier application. That application, docketed No. MC-162702 is published in this same Federal Register issue.

[FR Doc. 82-20370 Filed 7-27-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become 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 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 authoritiy to operate as a motor common carrier in interstate of 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. OP1-125

Decided: July 20, 1982.

By the Commission Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 126340 (Sub-4), filed July 7, 1982. Applicant: MISSION VAN & STORAGE CO., INC., 6750 Federal Boulevard, Lemon Grove, CA 92045. Representative: Leonard J. Pellman, (same address as applicant), (714) 287-1550. (1) As a *broker of general commodities* (except household goods); (2) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); (3) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds; and (4) transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate

service on behalf of the Department of Defense, between points in the U.S.

MC 138100 (Sub-6), filed July 14, 1982. Applicant: MELLOW TRUCK EXPRESS, INC., P.O. Box 23725, Tigard, OR 97223. Representative: Peter H. Glade, One S.W. Columbia, Suite 555, Portland, OR 97258, (503) 227–1681. As a *broker* of *general commodities* (except household goods), beteen points in the U.S. (except AK and HI).

MC 162821, filed July 6, 1982. Applicant: GLENN E. THOMAS JR., 12801 Hwy 60, Memphis, IN 47143. Representative: Glenn E. Thomas Jr., (same address as applicant), (812) 246–4296. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162850, filed July 1, 1982. Applicant: OCEAN STATE BROKERAGE, INC., 303 Jefferson Boulevard, Warwick, RI 02888. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW., Washington, DC 20036, (202) 296–2900. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 162861, filed July 7, 1982. Applicant: P A TRANSPORT BROKER, INC., 33 Middlefield Road, Portland, OR 97211. Representative: Paula Ann Chamberlain (same address as applicant), (503) 289–6841. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 162880, filed July 9, 1982. Applicant: JAMES D. STEEN, JR., d.b.a. STEENWAY LINES, Route 1, Centertown, MO 65023. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101, (314) 636–9131). Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162941, filed July 13, 1982. Applicant: EUGENE COOPER, d.b.a. COOPER TRUCKING, Route 2, Box 17, Hope, AR 71801. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (1–617) 657–6071. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162990, filed July 15, 1982. Applicant: DEAN L. ROGERS, d.b.a. DEAN L. ROGERS TRUCKING, 20631 Mary Way, Bend, OR 97701. Representative: Dean L. Rogers (same address as applicant), (503)–382–0268. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162920, filed July 12, 1982. Applicant: JAMES R. SNYDER, d.b.a. D&J ENTERPRISE, 2870 St. Frances Drive, Columbus, NE 68601. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, (402) 488–4841. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP3–114

Decided: July 21, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 160035 (Sub-1), filed July 12, 1982. Applicant: SAFE-WAY BUS TRANSIT, INC., 4230 80th St. South, Wisconsin Rapids, WI 54494. Representative: Patrick H. Smyth, 105 West Madison St., Suite 1008, Chicago, IL 60602, (312) 263–2397. (A) as a *broker* of *general commodities* (except household goods), and (B) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 162964, filed July 14, 1982. Applicant: NATIONAL CARRIERS, INC., P.O. Box 70, Limerick, PA 19468. Representative: Larry R. McDowell, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, (215) 735–3090. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP4–268

Decided: July 20, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 150656 (Sub-8), filed July 7, 1982. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 154, Marengo, IL 60152. Representative: Robert J. Gill, 410 Cortez Rd., W, Bradenton, FL 33507, (813) 758–4153. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 162926, filed July 12, 1982. Applicant: SIDNEY E. SHERWOOD, d.b.a. SHERWOOD'S BROKERAGE, 421 Maine St., Presque Isle, ME 94769. Representative: Sidney Sherwood, 16 Maple St., Presque Isle, ME 04769, (207) 764–3032. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP4–270

Decided: July 20, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 162966, filed July 14, 1982. Applicant: SUMMERFORD BROKERAGE COMPANY, INC., P.O. Box 487, Ashford, AL 36312. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401, (205) 578–3212. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP4–274

Decided: July 19, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 162877, filed July 9, 1982. Applicant: GEORGE H. DAVIS d.b.a. GEORGE DAVIS TRUCKING, Box 429, 1217 Dawn Dr., Dundee, FL 33838. Representative: George H. Davis (same address as applicant), (813) 439–3844. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in NY and FL.

MC 162937, filed July 12, 1982. Applicant: KEY CITY FORWARDING, INC., 297 Muriel Ave., North Plainfield, NJ 07060. Representative: Pike & Piken, 95–25 Quens Blvd., Rego Park, NY 11374, (212) 275–1000. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–20371 Filed 7–27–82; 8:45 am]

BILLING CODE 7035–01–M

[Vol. No. OP1-124]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 20, 1982.

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 juridictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that 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 involving new entrants will be subject to the issuance of an effective notics 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.

By the Commission, Review Board No. 1 Members Parker, Chandle and Fortier.

Agatha L. Mergenovich,

Secretary.

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 carrier authority are those where service is for a named shipper "under contracts".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

FF 100 (Sub-3), filed June 10, 1982, and previously noticed in **Federal Register** issue of June 30, 1982. Applicant: WESTERN RIVER FORWARDERS, INC., P.O. Box 1867, Pittsburgh, PA 15230. Representative: Arthur J. Diskin, 402 Law and Finance Bldg., Pittsburgh, PA 15219, (412) 281-9494. As a *freight forwarder,* in connection with the transportation of *general commodities* (except classes A and B explosives and household goods), between points in AR, IL, IA, KY, LA, MI, MN, MS, MO, OH, OK, PA, TN, TX, WV, WI, IN, AL, and those in NY on and west of U.S. Hwy 15.

Note.—This republication includes OH and PA as origins or designations states.

FF 618, filed July 13, 1982. Applicant: ALWAYS FORWARDING, INC., 1010 Second Ave., Suite 1500, San Diego, CA 92101. Representative: Mark J. Andrews, Suite 1100, 1660 L St., N.W., Washington, DC 20036, (202) 452-7438. As a freight forwarder, in connection with the transportation of (1) *used household goods and unaccompanied baggage;* and (2) *used automobiles,* between points in the U.S.

MC 2900 (Sub-458), filed July 6, 1982. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr., (same address as applicant), (904) 353-3111. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in the U.S., under continuing contract(s) with J. C. Penney Company, Inc., of New York, NY.

MC 2900 (Sub-459), filed July 12, 1982. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr., (same address as applicant), (904) 353-3111. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in the U.S., under continuing contract(s) with the K-Mart Corporation, of Troy, MI.

MC 30690 (Sub-3), filed July 12, 1982. Applicant: BORNSTEIN & FISHER, INC., d.b.a. BORNSTEIN & FISHER, East St., Cambridge, MA 02114. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (616) 657-6071. Transporting *furniture,* between points in MA, on the one hand, and, on the other, MA, NH, CT, ME, RI, NY, NJ, PA, VA, WV, NC, SC, GA, TN, AL, FL, IL, IN and DC.

MC 35980 (Sub-9), filed July 6, 1982. Applicant: M-B TRANSPORT, INC., 1941 Land Road, Jamison, PA 18929. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357-7220. Transporting (1) *chemicals and related products, clay, concrete, glass or stone products and ores and minerals,* (a) between points in Lebanon and Montgomery Counties, PA, on the one hand, and, on the other, points in DE, MD, NJ and NY; and (b) between points in Chester, Lebanon and York Counties, PA, Sussex County, NJ, and Orange County, NY, on the one hand, and, on the other, points in DE, MD, NJ, NY and PA; and (2) *chemicals and related products,* between Philadelphia, PA, on the one hand, and, on the other, points in DE, MD, NJ, NY and PA.

MC 61440 (Sub-221), filed July 12, 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 Uniroyal, Inc., of Middlebury, CT.

MC 115651 (Sub-107), filed July 12, 1982. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, P.O. Box 39, Rockford, IL 61105. Representative: R. D. Higgins (same address as applicant), (815) 962-4026. Transporting *commodities in bulk,* between points in WI and MI.

MC 127030 (Sub-10), filed July 15, 1982. Applicant: MATTHEW J. DEPALMA, INC., 1700 Orthodox St., P.O. Box 19620, Philadelphia, PA 19124. Representative:

Leonard W. Becker (same address as applicant), (215) 535–3737. Transporting *fertilizer and fertilizer ingredients,* between Baltimore, MD, Wilmington, DE and Port Newark, NJ, on the one hand, and, on the other, points in Carroll and Frederick Counties, MD, and Franklin County, MA.

MC 127651 (Sub-72), filed July 12, 1982. Applicant: EVERETT G. ROEHL, INC., East 29th Street, Box 7, Marshfield, WI 54449. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705–0086, (608) 238–3119. Transporting *lumber and wood products, and building materials,* between points in the U.S. (except AK and HI).

MC 138411 (Sub-4), filed July 12, 1982. Applicant: SPRUCE RIVER TRANSPORT, INC., 345 Madeline St., Thunder Bay, Ontario, Canada P7B 5G2. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101, (612) 291–1215. Transporting *lumber and wood products,* between ports of entry on the International Boundary line between the U.S. and Canada located at points in MI and MN, on the one hand, and, on the other, points in MN, MI, WI, IN, OH, KY, IL, IA and KS.

MC 144040 (Sub-4), filed July 13, 1982. Applicant: PINETREE TRANSPORTATION CO., d.b.a. CALIFORNIA CHARTER BUSES, INC., 6400 Westminster Ave., Westminster, CA 92683. Representative: Robert J. Corber, 1250 Connecticut Ave., N.W., Washington, DC 20036, (202) 862–2038. Transportation *passengers and their baggage* in the same vehicle with passengers, in charter operations, (1) beginning and ending at points in CA and extending to points in the U.S. (excluding HI); and (2) beginning and ending at points in Whatcom County, WA and extending to points in the U.S. (excluding HI).

MC 149591 (Sub-9), filed July 12, 1982. Applicant: VALLEY EXPRESS, INC., P.O. Box 68, Glyndon, MN 56547. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108, (701) 235–3300. 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 American Door, Inc., of Walkerton, IN.

MC 150201 (Sub-2), filed July 9, 1982. Applicant: SAM F. HARKEY, d.b.a. SAM F. HARKEY TRUCKING, P.O. Box 423, Holdenville, OK 74848. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437–1768. Transporting (1) (a) *bentonite and soda ash,* between points in WY, on the one hand, and, on the other, points in TX, CO, OK, LA, MS, NM, UT, ND, KS, and AR, (b) *lignite coal,* between points in SD, ND, and MT, on the one hand, and, on the other, points in TX, CO, OK, LA, MS, NM, UT, ND, KS, and AR, (c) *clay and chemicals,* between points in WY, UT, and SD, on the one hand, and, on the other, points in UT, WY, CO, and NM, (d) *lime,* between points in TX and MO, on the one hand, and, on the other, points in TX, CO, OK, LA, MS, NM, UT, ND, KS, AR, and WY, (e) *caustic soda,* between points in KS and TX, on the one hand, and, on the other, points in TX, CO, OK, LA, MS, NM, UT, ND, KS, AR, and WY, and (f) *starch,* between points in KS, on the one hand, and, on the other, points in TX, CO, OK, LA, MS, NM, UT, ND, KS, AR, and WY; (2) (a) *drilling mud,* between points in WY, on the one hand, and, on the other, points in Seminole County, OK, (b) *soda ash,* between points in Sweetwater County, WY, on the one hand, and, on the other, points in Seminole County, OK, and (c) *barite,* between Houston, TX, on the one hand, and, on the other, points in Seminole County, OK; (3) *plastic pipe, tubing and tubes,* between Oklahoma City, OK, on the one hand, and, on the other, points in KS, CO, NC, TX, and NE, under continuing contract(s) in (1) above with Drilling Mud, Inc., of Oklahoma City, OK, in (2) above with Lyle Mud, Inc., of Seminole, OK, and in (3) above with Cer-Mac Plastics, of Oklahoma City, OK.

MC 150301 (Sub-22), filed July 7, 1982. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Destron, Inc., of Bensenville, IL, and Outboard Marine Corp., of Waukegan, IL.

MC 150951 (Sub-13), filed July 12, 1982. Applicant: CRANSTON TRUCKING COMPANY, 1381 Cranston St., Cranston, RI 02920. Representative: Paul M. Overton (same address as applicant), (401) 943–4800. Transporting *cleaning compounds,* between points in the U.S. under continuing contract(s) with American Chemical and Solvent, of East Providence, RI.

MC 154410 (Sub-1), filed July 12, 1982. Applicant: BALDUC TRUCKING INC., d.b.a. PAULSON TRUCKING CO., P.O. Box 1034, Station A, San Mateo, CA 94403. Representative: Thomas E. Kurtenbach, 1150 East Nineteenth Ave., San Mateo, CA 94403, (415) 573–5417. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA.

MC 155080 (Sub-1), filed July 15, 1982. Applicant: PATSY ANN BREWER, d.b.a. BREWER CHARTER SERVICE, R.R. #1, Mapleton, IL 61547. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at points in IL, and extending to points in the U.S. (excluding AK and HI).

MC 155231 (Sub-2), filed July 12, 1982. Applicant: MAXAM TRUCKING, INC., R.D. #2, Bassette Road, Interlaken, NY 14847. Representative: Donald C. Carmien, Suite 501, Midtown Mall, 15 Chenango Street, (P.O. 1922), Binghamton, NY 13902–1922, (607) 772–6993. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of canoes, between points in the U.S., under continuing contract(s) with Grumman Boats—Division of Grumman Allied Industries, Inc., of Marathon, NY.

MC 156100 (Sub-2), filed July 1, 1982. Applicant: CHARLES RAYMOND POWELL, d.b.a. GOLDEN TRIAD CARRIERS, P.O. Box 4145, Archdale, NC 27263. Representative: Lee A. Plummer, 5017–D Lawndale Drive, Greensboro, NC 27405, (919) 288–7928. Transporting (1) *medical, hospital, and nursing home products and supplies,* between points in Greenwood County, SC, on the one hand, and, on the other, points in the U.S. (except K and HI), (2) *blank computer cards,* between points in Guilford County, NC, on the one hand, and, on the other, those points in the United States on and east of a line beginning at the mouth of the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, and those in MO, IA, MN, and AR, (3) *trucks and truck parts, and boxes and cans, chemically hardened fibre,* between points in Hart County, GA, on the one hand, and, on the other, points in the U..S (except AK and HI), (4) *hosiery,* between points in Cobb County, GA, Columbia County, AR, Rhea and Roane Counties, TN, and Chatham, Alamance, Cabarrus,

Catawba, Robeson, Guilford, and Randolph Counties, NC, on the one hand, and, on the other points in the U.S. (except AK and HI), (5) *perfumery,* between points in Norfolk County, MA, on the one hand, and, on the other, points in the U.S. (except AK and HI), (6) *new furniture and new furniture parts,* between points in Randolph, Davidson, and Guilford Counties, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (8) *packaging material,* between points in Guilford County, NC, on the one hand, and, on the other, points in TX, LA, MS, AL, GA, FL, TN, SC, NC, VA, WV, KY, IN, OH, MI, PA, NY, CT, RI, MA, NH, ME, and VT.

MC 156800 (Sub-5), filed July 14, 1982. Applicant: SEABOARD EXPRESS, INC., 565 Plank Road, Waterbury, CT 06705. Representative: Joseph A. Keating Jr., 121 S. Main St., Taylor, PA 18517. 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 World Tableware International, of Wallingford, CT, and SKF Steel, of Windsor, CT.

MC 156900 (Sub-2), filed July 7, 1982. Applicant: ARCADIA TRANSPORTATION COMPANY, 350 Madison Street, Arcadia, WI 54612. Representative: Edward H. Instenes, PO Box 676, 128½ Plaza East, Winoan, MN 55987, (1–507) 454–3914. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in MN and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158651 (Sub-2), filed July 12, 1982. Applicant: GRAEBEL VAN LINES, INC., 719 N. Third Ave., Wausau, WI 54401. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20423, (202) 785–0024. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Equitable Relocation Service, of New York, NY.

MC 158930 (Sub-7), filed July 6, 1982. Applicant: U.S. TRANSPORTATION, INC., 585 Valley Blvd., Bloomington, CA 92316. Representative: Frederick J. Coffman, P.O. Box 1455, Upland, CA 91786, (714) 981–9981. 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 Standard Brands Paint Co., Inc., of Torrance, CA.

MC 159770, filed July 12, 1982. Applicant: GRAYWAYS, INC., P.O. Box 80841, Seattle, WA 98108. Representative: Rebecca Sievers, 8406 Island Drive S., Seattle, WA 98118, (206) 722–4955. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, between points in the U.S.

MC 161271, filed July 6, 1982. Applicant: H. A. ROCHLITZ, d.b.a. RANCH SUPPLY CO., 5307 Boyd Road, Arcata, CA 95521. Representative: Ronald Co. Chayvekm 100 Pine St., Suite 2550, San Francisco, CA 94111, (415) 986–1414.Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Cargill, Inc., of Minneapolis, MN.

MC 161781, filed July 12, 1982. Applicant: AAA PICKUP AND DELIVERY, INC., 2516 Crestwood Boulevard, Birmingham, AL 35215. Representative: Julius F. Fore (same address as applicant), (205) 956–1436. Over *regular* routes, transporting *passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Birmingham, AL, and Chattanooga, TN, from Birmingham over AL Hwy 75 to the GA–AL State line, then over GA Hwy 301 to junction GA Hwy 136, then over GA Hwy 136 to Interstate Hwy 59, then over Interstate Hwy 59 to Chattanooga, and return over the same route, serving all intermediate points.

MC 161960, filed July 12, 1982. Applicant: JOHNNY E. ROBINSON, Route 1, Box 74A, Fayette, AL 35555. Representative: Roger C. Williams, 2628 Eighth St., P.O. Box 2690, Tuscaloosa, AL 35403, (205)–758–8332. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, between points in Fayette County, AL, on the one hand, and, on the other, points in MS, GA, TN and FL.

MC 162231, (Sub-1), filed July 12, 1982. Applicant: CAMPBELL TREE & LAND TRANSPORTATION CORPORATION, Box 787, Wautoma, WI 54982. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting (1)(a) *such commodities* as are dealt in or used by growers and distributors of floral products, and (b) lawn and garden supplies, (2) *plastic and plastic products,* (3) *horticultural and agricultural products and implements,* and (4) *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) in (1) above with Bachman's Inc., of St. Paul, MN, in (2) above with Disco, Inc., of Edina, MN, in (3) above with Campbell Tree & Land Company, Inc., of Wautoma, WI, and in (4) above with Land O' Lakes, Inc., of Arden Hills, MN.

MC 162651, filed July 12, 1982. Applicant: R. M. or V. W. BROACH, d.b.a. BROACH CO., PO Box 177, Spavinaw, OK 74366. Representative: Jack R. Anderson, Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103, (918) 583–900. Transporting *metal products and machinery,* between points in Tulsa County, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162801, filed July 6, 1982. Applicant: STARK TRANSPORT, INC., PO Box 849, Bloomington, IN 47402. Representative: Donald W. Smith, PO Box 40248, Indianapolis, IN 46240, (317) 846–6655. 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 Rogers Group, Inc., of Bloomington, IN, and its affiliates, namely Ralph Rogers & Company, Inc., Rogers Building Supplies, Inc., John H. Kretz, Inc., Rogers Energy, Inc., Bloomington Crushed Stone Company, Inc., Gosport Gravel Company, Inc., Midwest Construction Materials, Inc., Mitchell Crushed Stone Company, Inc., Knox County Sand Company, Morgan County Gravel Company, Inc., Newton County Stone Company, Inc., Lousiville Crushed Stone Company, Inc., Sandusky Crushed Stone Company, Dixie Pavers, Inc., Eastside Development Corporation, Hopkinsville Stone Company, Inc., Hopkinsville Aggregate Company, Inc., Mid-South Pavers, Inc., Mid-South Stone, Inc., Rogers Kentucky Corporation, Stark Crushed Limestone Corporation, and Weddle Bros. Construction, Inc.

MC 162881, filed July 9, 1982. Applicant: MARIO D'ADDARIO LIMO SERVICE, INC., 329 Bridgeport Ave., Shelton, CT 06484. Representative: Allan J. Rosen, 177 State St., Bridgeport, CT 06604, (203) 366–3939. Transporting *passengers and their baggage,* in the same vehicle with passengers, between points in Fairfield and New Haven Counties, CT, on the one hand, and, on the other, points in the U.S.

MC 162900 filed July 12, 1982. Applicant: BEN R. COX, d.b.a. COX TRUCKING COMPANY, Rt. 2 Box 755, High Point, NC 27260. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, (212) 263–2078. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of new furniture, between points in NC, on the one hand, and, on

the other, points in the U.S. (except AK and HI).

MC 162901, filed July 11, 1982. Applicant: ROYAL LIVERY, INC., 272 Fillow St., West Norwalk, CT 06850. Representative: L. C. Major, Jr., P.O. Box 11278, Suite 304, Overlook Bldg., 6121 Lincilmia Rd., Alexandria, VA 22312, (703)–750–1112, Transporting *passengers and their baggage,* in the same vehicle with passengers, between points in Hartford, New Haven, Fairfield and Litchfield Counties, CT, on the one hand, and, on the other, points in NY, NJ, PA, MA, RI, DE and DC.

MC 162921, filed July 12, 1982. Applicant: STATEWIDE CONVOY TRANSPORT, INC., 1349 North Zang, Dallas, TX 75203. Representative: James W. Hightower, Suite 301, 5801 Marvin D. Love Greeway, Dallas, TX 75237–2385, (214)–339–4108. Transporting *automobiles and trucks,* between points in CA, AZ and TX.

MC 162931, filed July 12, 1982. Applicant: JEAN G. POWERS, d.b.a. J & P EXPRESS, 11017 Wildcat Canyon Road, Lakeside, CA 92040. Representative: William R. Daly, 4340 Vandever Ave., Suite S, P.O. Box 20597 San Diego, CA 92120, (714) 282–7337. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in San Diego, Imperial, Orange, Los Angeles, Riverside and San Bernardino Counties, CA, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Porter International, Inc., of San Diego, CA.

MC 162940, filed July12, 1982. Applicant: KB LEASING, 53 Crystal Spring Rd., Mattapoisett, MA 02739. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617)–657–6071. Transporting *petroleum, natural gas and their products,* between points in MA and RI. Condition: To the extent this certificate authorizes the transportation of liquified petroleum gas, it shall expire 5 years from its date of issuance.

MC 162960, filed July 12, 1982. Applicant: LANDMARK TRANSPORT, INC. 55 Commerce Ave., Pittman, NJ 08071. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215)–561–1030. Transporting *food and related products,* between New York, NY and Philadelphia, PA, on the one hand, and, on the other, points in DE, MD, NJ, NY, VA, DC, those points in PA on and east of U.S. Hwy 15, and those in Nash and Edgecombe Counties, NC.

MC 162961, filed July 12, 1982. Applicant: ARAN TRANSPORTATION CO., INC., 373 Springfield St. Agawam, MA 01001. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413)–732–1136. 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 Express Produce Co., Inc., of West Springfield, MA.

MC 162970, filed July 14, 1982. Applicant: MINUTEMAN EXPRESS, INC., P.O. Box 628, Somers, CT 06071. Representative: Steven M. Gold, One Financial Plaza, Hartford, CT 06103, (203) 522–3234. Transporting *food and related products,* between points in CT, MA, NY, RI, VT, NJ, NH, and ME.

MC 162980, filed July 15, 1982. Applicant: CHARLES RHEA TRUCKING, 515 S.E. 32nd, Oklahoma City, OK 73129. Representative: Charles W. Rhea (same address as applicant), (405) 631–2972. Transporting *salt and salt products,* between points in the U.S., under continuing contract(s) with Carey Salt Division of Processed Minerals, Inc., of Hutchinson, KS.

[FR Doc. 82–20373 File 7–27–82; 8:45 am]

BILLING CODE 7035–01–M

[VOL. No. OP–2–161]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 or the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted prolems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically 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 protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

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.

Decided: July 15, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 162702, filed June 28, 1982. Applicant: INTERAMERICAN CARRIER CORPORATION, P.O. Box 1023, Wausau, WI 54401. Representative: Daniel C. Sullivan, Suite 1700, 180 N. Michigan, Chicago, IL 60601, (312) 263–1600. 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)

Note.—This application is directly related to MC–F–14885 published in the same Federal Register issue.

[FR Doc. 82–20378 Filed 7–27–82; 8:45 am]
BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-373) N]

General-Fuller International Corp.; Exemption From 49 U.S.C. Subtitle IV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Under 49 U.S.C. 10505, the Interstate Commerce Commission exempts the ownership and operation by General-Fuller International Corporation of certain trackage in Pennsylvania from regulation under 49 U.S.C. Subtitle IV.

DATES: Exemption effective on July 28, 1982. Petitions to reopen must be filed by August 17, 1982.

ADDRESSES: Send pleadings to:
(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423.
(2) Petitioner's Representative: Wilmer B. Hill, Suite 366, 1030 15th Street NW., Washington, DC 20005.
Pleadings should refer to Docket No. AB–167 (Sub–373) N.

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 Infosystem, Inc., Interstate Commerce Commission, Room 2227, Washington, DC 20423, or call 289–4357 (DC metropolitan area) or toll free (800) 424–5403.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82–20374 Filed 7–27–82; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-187)]

Rail Carriers; Atchison, Topeka and Sante Fe Railway Co. Exemption for Contract Tariff ICC–ATSF–C–0025

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.

SUPPLEMENTARY INFORMATION: The Atchison, Topeka and Santa Fe Railway Company (ATSF) filed a petition on July 12, 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 a supplement to contract tariff ICC–ATSF–C–0025 filed on July 10, 1982, to become effective on one day's notice. The contract involves the movement of coal.

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. Due to problems with the unloading facility at the initial origin, the parties have agreed to use a different facility at a nearby rail origin, and have amended their contract accordingly. Short notice effectiveness of the contract tariff supplement will enable the petitioner to provide uninterrupted service from the new origin on the same terms as from the initial origin. An exemption will obviously be in the public interest.

Petitioner's supplement to contract tariff ICC–ATSF–C–0025 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 this instance 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.

Authority: 49 U.S.C. 10505.

Dated: July 21, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82–20376 Filed 7–27–82; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub–191)]

Rail Carriers; Southern Pacific Transportation Co. Exemption for Contract Tariffs ICC–SP–C–0123, 0124, 0125, and 0126

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: Tom Smerdon, (202) 275–7277.

SUPPLEMENTARY INFORMATION: The Southern Pacific Transportation Company (SP) filed a petition on July 14, 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 contract tariffs ICC–SP–C–0123, 0124, 0125, and 0126 filed on July 10 and 13, 1982, to become effective on one day's notice. The contracts provide for the movement of canned goods.

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. Short notice effectiveness of the contract tariffs will enable the shippers to take early advantage of the contracts while the tomato and vegetable canniers are in full production, and price competition is at its height. An exemption will obviously be in the public interest.

Petitioner's contract tariffs ICC–SP–C–0123, 0124, 0125, and 0126 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 contracts 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. 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.

Authority: 49 U.S.C. 10505.

Dated: July 21, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-20375 Filed 7-27-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-188

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 163010 (Sub-3-1TA), filed: July 20, 1982. Applicant: DIXIE EXPRESS, INC., 6641 Hughes Street, Jacksonville, FL 32219. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Contract,* irregular; *foodstuffs for human and animal consumption,* between points in Duval County, FL on the one hand, and, on the other, points in FL, GA, TN, NC, SC, IA, MO, PA, OH, NJ, WV, IL and TX, under continuing contract(s) with United Facilities, Inc. Supporting shipper: United Facilities, Inc., 1550 Ellis Road, Jacksonville, FL 32205.

MC 148774 (Sub-3-2TA), filed: July 20, 1982. Applicant: LTD AIR CARGO, INC., P.O. Box 30132, Memphis International Airport, Memphis, TN 38130. Representative: Edward G. Finnegan, Ltd., 134 North La Salle Street, Suite 1016, Chicago, IL 60602. *General Commodities (excluding commodities in bulk, commodities normally carried in refrigerated equipment, hazardous waste, explosives, household goods and commodities carried on flat-bed or open-type trailers)* (1) between points in AR, MS, TN and (2) between points in Atlanta, GA, Dallas, TX and Ft. Worth, TX; Scott County, Mississippi County, Stoddard County, Butler County, Dunklin County, Pemiscot County and New Madrid County, MO; and AR, MS and TN. Applicant intends to tack the authority here applied for to its existing authority held under ICC Docket No. MC 148774. Applicant also intends to interline with other carriers within applicant's geographic scope of authority at the airports in the cities presently served by applicant, at Memphis, TN, Dallas, TX, Ft. Worth, TX, Little Rock, AR, and Atlanta GA. There are 34 supporting shippers' affidavits attached hereto which may be reviewed by the Interstate Commerce Commission Regional Office in Atlanta, GA.

MC 146377 (Sub 3-2TA), filed: July 20, 1982. Applicant: EDWARD McGILL, INC., 3 General Avenue, Rome, GA 30161. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Contract carrier:* irregular: *General Commodities (except Classes A and B explosives, household goods and commodities in bulk),* between points in the U.S., under continuing contract with Bekaert Steelwire Corporation. Supporting shipper: Bekaert Steelwire Corporation, P.O. Drawer G, Rome, GA 30161.

MC 163047 (Sub 3-1TA), filed: July 20, 1982. Applicant: RAIL-WATER TRANSPORT, INC., 3153 Bankhead Highway, P.O. Box 93216, Atlanta, GA 30377-0216. Representative: Raymond P. Keigher, 401 E. Jefferson Street, Suite 102, Rockville, MD 20850. *Contract Carrier,* Irregular Routes: *General Commodities (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk),* between points in the U.S., under continuing contract(s) with Marine Intermodal Cooperative Association, of Portland, OR. Supporting shipper: Marine Intermodal Cooperative Association, P.O. Box 3589, Portland, OR 97208.

MC 126542 (Sub 3-9TA), filed: July 20, 1982. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, P.O. Box 162, Mentone, AL 35984. *Contract Carrier,* Irregular routes, *General Commodities* between all points in the U.S. except AK and HI, under continuing contract(s) with Super Valu Stores, Inc., Anniston Division, Anniston, AL. Supporting shipper: Super Valu Stores, Inc., Anniston Division, P.O. Box 430, Industrial Park, Anniston, AL 36202.

MC 129063 (Sub 3-9TA), filed: July 20, 1982. Applicant: JIMMY T. WOOD, Route 6, Box 254, Ripley, TN 38063. Representative: Thomas A. Stroud, 109 Madison Avenue, Memphis, TN 38103. *Coal,* from Birmingham, AL, and points in its commercial zone, and points in AL on and north of Interstate Highway 20, to Memphis, TN, and points in its commercial zone. Supporting shipper: Cargill, Inc., Corn Milling Division, 2330 Buoy St., Memphis, TN 38113.

The following applications were filed in Region 6. Send Protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 6461 (Sub-6-2TA), filed July 16, 1982. Applicant: B-LINE TRANSPORT COMPANY, INC., P.O.B. 13368, Spokane, WA 99213. Representative: William E. O'Leary, 111 N. Last Chance Gulch, 4 G Arcade Building, Helena, MT 59601. *Metal products, machinery, commodities which because of their size or weight require the use of special handling or equipment,* between points

in WA, OR, CA, NV, MT, ID, WY, UT, CO, AZ, NM, ND, SD, NE, KS, OK, TX, MN, WI, MI, IL, IA, IN, OH, and MO, for 270 days. Supporting shippers: There are 4 shippers. Their statements may be examined at the Regional Office listed.

MC 133154 (Sub-6–4TA), filed July 14, 1982. Applicant: BELL TRANSPORT COMPANY, 14000 E 183rd. St., La Palma, CA 90623. Representative: Robert C. Rodgers, 14000 E 183rd. St., La Palma, CA 90623. *Contract Carrier,* Irregular Routes: *Such commodities as are manufactured or distributed by Greif Bros. Containers including supplies and materials used in the manufacture of such merchandise,* between points in Morgan Hill and La Palma, CA on the one hand, and on the other, points in AZ, NV, UT, OR, WA, CO, and ID for the account of Greig Bros. Containers for 270 days. Supporting shipper: Grief Bros. Containers, 235 San Pedro, Morgan Hill, CA.

MC 162969 (Sub-6–1TA), filed July 14, 1982. Applicnat: C & M ENTERPRISES, 1712 6400 Road, Montrose, CO 81401. Representative: Nancy P. Bigbee, 745 E. 18th Ave., No. 101, Denver, CO 80203. *Contract carrier,* irregular route: *Steel tool boxes, steel jobsite construction boxes, and steel fuel tanks* from points in Craighead County, AR to points in Prowers, Weld, Mesa and Boulder Counties, and the Denver commercial zone, CO; Bernalillo County, NM; and Salt Lake County, UT, under a continuing contract with Delta Incorporated of Arkansas, Jonesboro, AR; for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Delta Incorporated of Arkansas, 4800 Krueger, Jonesboro, AR 72401.

MC 128685 (Sub-6–8TA), filed July 14, 1982. Applicant: DIXON BROS., INC., P.O.D. 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Tanswestern Bldg., Billings, MT 59101. *Metal products,* between points in Chicago, IL, and its Commercial Zone; Whiteside and Madison Counties, IL; St. Louis, MO, and its Commercial Zone; Jackson, Clay and Platte Counties, MO; Linn County, IA; and Elkhart County, IN, on the one hand, and, on the other, points in WY and Linn County, IA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pittsburgh-Des Moines Steel Co., 1000 W. First St., Casper, WY 82601.

MC 162991 (Sub-6–1TA), filed July 14, 1982. Applicant: EMMA LOUISE JORDAN & WILLIE JORDAN, d.b.a. E. W. TRUCKING CO., 2060 W. 94th Place, Los Angeles, CA 90047. Representative: Mark E. Mahler, 433 No. Camden Dr., 6th Fl., Beverly Hills, CA 90210. *General merchandise (clothing, appliances, department store inventory), and containerized foodstuffs,* between points in CA, NV, UT, AZ, CO, WY, NM, NE, KS, MO, TX, OK, IA, IL, MI, and IN, for 270 days. Restricted to shipments having a prior or subsequent movement by water. Supporting shippers: Sisco Boeki Co., Inc., 14108 So. Western Ave., Gardena, CA 90247; and Regal of California, Inc., 14500 So. Broadway, Gardena, CA 90248.

MC 41098 (Sub-6–6TA), filed July 15, 1982. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. *Contract carrier,* irregular routes, *machinery,* between points in the U.S. under continuing contracts with Vulcan-Hart Corp. of Baltimore, MD, for 270 days. Supporting shipper: Vulcan-Hart Corp., 3600 North Point Boulevard, Baltimore, MD 21222.

MC 157218 (Sub-6–2TA), filed July 15, 1982. Applicant: NATIVE TRUCKING OF COLORADO, 2561 G½ Road, Grand Junction, CO 81501. Representative: Bernie Robinson (same as applicant). (1) *Beer, and (2) equipment, materials, and supplies used in the sale, transportation, and distribution of beer* in and between Tarrant County, TX and Mesa County, CO (and points in their commercial zones) for 270 days. Supporting shipper(s): Hi Country Sales, 1435 Fourth So., Grand Junction, CO 81501.

MC 162817 (Sub-6–1TA), filed July 19, 1982. Applicant: NORTHWEST CONTRACT CARRIERS, INC., 2050 Antelope Rd., White City, OR 97503. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. *Contract carrier:* irregular routes: (1) *pulp, paper and related products* and (2) *nonwoven synthetic fabric,* between points in OR, WA, CA and NV, for 270 days. Supporting shipper: Crown Zellerbach Corporation, 1500 SW 1st Ave., Portland, OR 97201.

MC 161329 (Sub-6–1TA), filed July 16, 1982. Applicant: ROUNDABOUT TOURS, 58 Shasta Ct., Tahoe City, CA 95730. Representative: Clive R. Hughes, Judith Nicholas, Rebecca Carlson, Joan LeFevre, P.O. Box 6483, Tahoe City, CA 95730. *Common Carrier,* regular routes, *Passengers* on a tour around Lake Tahoe, via U.S. Hwy 50 to junction CA Hwy 89, then over CA Hwy 89 to junction CA–NV 28, then over CA–NV Hwy 28 to junction U.S. Hwy 50. Serving all intermediate points for 180 days. An underlying E.T.A. seeks 90 days authority. Supporting shipper: The Travel Connection, 905 N. Lake Blvd., Tahoe City, CA 95730.

MC 163018 (Sub-6–1TA), filed July 19, 1982. Applicant: T.P.I. TRUCK PILOT, INC., 1671-148th St., White Rock, B.C., Canada V4A 4M6. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. *Machinery, machine parts and related commodities used in the repair, overhaul and maintenance of machinery.* Restricted to shipments not to exceed 1,500 pounds in weight. Between ports of entry on the International Boundary line between the U.S. and Canada located in WA, on the one hand, and, on the other, points in WA, OR and CA for 270 days. Supporting shippers: There are nine (9) shippers. Their statements may be examined at the regional office listed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-20380 Filed 7-27-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-7 (Sub-102) Finance Docket No. 29917 (Sub-1)]

Richard B. Ogilvie, Trustee of the Property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—Purchase (Portion)—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)—Between Clinton and Washington, IA

AGENCY: Interstate Commerce Commission.

ACTION: Applications Accepted for Consideration.

SUMMARY: These directly related matters are being considered jointly. In Finance Docket No. 29917 (Sub-No. 1), the Commission is accepting for consideration the application of Richard B. Ogilvie, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to acquire and operate approximately 98.5 miles of track from William M. Gibbons, Trustee of the property of Chicago, Rock Island and Pacific Railroad Company, Debtor (RI), between Clinton and Washington, IA. In Docket No. AB-7 (Sub-No. 102), the Commission is accepting for consideration the application of MILW to abandon 33 miles of main track between Culver and Washington, IA.

DATES: Verified statements supporting or opposing the application must be received at the Commission by August 4, 1982. Applicant's reply statements must be received by August 6, 1982.

ADDRESS: An original and 10 copies of all statements should make reference to both Docket No. AB-7 (Sub-No. 102) and Finance Docket No. 29917 (Sub. No. 1)

and should be sent to: Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423, Attention: Rock Island Acquisition.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Richard B. Ogilvie, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), filed two applications on July 19, 1982, under Section 17(b) of the Milwaukee Railroad Restructuring Act, (MRRA), 45 U.S.C. 915 and 49 CFR Part 1111, et seq., for authority to purchase certain properties of the Chicago, Rock Island, and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (RI) located in Iowa and to abandon a portion of its own line which is partially parallel to the line to be purchased.

MILW seeks to purchase approximately 98.5 miles of railroad between Clinton and Washington, IA. MILW presently operates over a portion of the line to be purchased under a trackage rights agreement. A sale and purchase agreement was signed by MILW and the Rock Island Trustee on July 6, 1982. No governmental assistance is involved in this proposal.

By supplemental decision in Finance Docket No. 29917, Richard B. Ogilvie Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company-Purchase (Portion)—Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)—Between Clinton and Washington, IA, served July 7, 1982 (not printed), the Commission found that the acquisition by the MILW of a portion of the RI was not a major market extension.

Preliminary approval of the proposed purchase transaction by the Court overseeing the reorganization of the Rock Island *In the Matter of Chicago, Rock Island and Pacific Railroad Company, Debtor,* in No. 75 B 2697 (U.S. Dist. Court, N.D. Ill.), was obtained on July 14, 1982, in Order No. 488. The Court has directed the Commission to issue a decision on this application on or before August 18, 1982. Similarly, the MILW was given preliminary approval to enter into this transaction by the Court overseeing its reorganization *In the Matter of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor,* in No. 77 B 8999 (U.S. Dist. Court, E.D. Ill.), on July 6, 1982, in Order Nos. 592 and 592–A.

MILW proposes to abandon 33 miles of track extending from milepost 28.6 at Culver to milepost 61.6 at Washington, IA. A portion of the RI line to be purchased in the directly-related proceeding is parallel to this line and will be rehabilitated for service to former RI shippers and MILW overhead traffic.

Comments on the proposals must be filed by August 4, 1982, with replies by applicants by August 6, 1982. A copy of comments should be served upon the Attorney General of the United States and the United States Secretary of Transportation, and upon William L. Phillips, Esq., Room 888, Union Station Building, Chicago, IL 60606.

It is ordered:

1. The applications in Docket No. AB–7 (Sub-No. 102) and Finance Docket No. 29917 (Sub-No. 1) are accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on July 28, 1982.

Dated: July 26, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–20639 Filed 7–27–82; 10:41 am]

BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 751–TA–6]

Birch Three-Ply Door Skins From Japan

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines, pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)), that an industry in the United States would be materially injured by reason of imports of birch three-ply door skins [2] from Japan covered by antidumping order No. T.D. 76–48 if the order were to be revoked.

Background

On January 8, 1982, the Commission received a request to review its determination in investigation No. AA1921–150, *Birch Three-Ply Door Skins from Japan.* [3] After evaluating the request and public comments thereon, the Commission, on March 30, 1982, determined that there were sufficient changed circumstances since the original dumping finding to warrant a review investigation and accordingly, instituted this investigation. Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on April 7, 1982 (47 FR 14978). The hearing was held in Washington, D.C., on June 10, 1982, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

On the basis of the record developed in this investigation, we unanimously determine that an industry in the United States would be materially injured by reason of imports of birch three-ply door skins from Japan covered by antidumping order T.D. 76–48, if the order were to be revoked. [4]

As the Commission has stated in its consideration of previous section 751 review cases, there is little specific statutory guidance as to the appropriate standard to apply to these cases. [5] What guidance exists in the legislative history, relevant international agreements and past Commission practice has been discussed at length in these decisions [6] and need not be repeated here. In this case, we assessed the condition of the domestic industry and the U.S. market; examined the changes in the Japanese industry, which include the inhibiting effects of the order on the companies subject to it; [7] predicted the likely effects of revoking the order; and finally, determined whether the domestic industry would be materially injured, or threatened with material injury, if the order were revoked.

Background

On January 12, 1976, the Commission determined that an industry in the United States was injured by reason of

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i), 47 FR 6190, Feb. 10, 1982).

[2] Such imports are provided for in item 240.14 of the Tariff Schedules of the United States.

[3] USITC Pubs. Nos. 753 and 754 (1976).

[4] Commissioner Frank notes that footnote number 35 on page 11 covers his views and explains the interpretation that he applies to "would be materially injured."

[5] See, e.g., *Electric Golf Cars from Poland,* Inv. No. 751–TA–1, USITC Pub. No. 1069 (1980) at 11–14, 23–24; *Television Receiving Sets From Japan,* Inv. No. 751–TA–2, USITC Pub. No. 1153 (1981), at 6 and 28.

[6] *Id.*

[7] Assuming rational behavior in the marketplace, companies with sufficient flexibility in allocating their resources will avoid paying what is essentially a special import tax on merchandise sold at less than fair value by raising the U.S. price of the imports, lowering the home-market or other reference price, or adjusting them toward one another. Alternatively, a company may leave the U.S. import market by shifting its production onshore.

imports of birch three-ply door skins from Japan which were determined by the Department of Treasury to be or likely to be sold in the United States at less than fair value (LTFV).[8] The Secretary of the Treasury issued an antidumping order covering birch three-ply door skins from Japan as a result of this determination.

An association of the Japanese manufacturers, Hokkaido Plywood Manufacturers Association, filed a petition under section 751(b) of the Tariff Act of 1930[9] on January 8, 1982, alleging changed circumstances and requesting a review of the Commission's determination.[10] On the basis of this request and all comments filed during a 30-day comment period, the Commission determined that there were changed circumstances sufficient to warrant a review.[11] On March 30, 1982, the Commission instituted this investigation.

When the original investigation was instituted, there were seven U.S. companies producing birch three-ply door skins. Four of these companies, (including Allen Quimby Veneer Co., the largest producer) are no longer producing birch three-ply door skins.

The composition and U.S. market share of the Japanese industry also have changed since the order came into effect. In 1974, there were 17 Japanese producers of birch three-ply door skins whose exports to the United States accounted for approximately 70 percent of total U.S. imports of this product. Annual production in Japan amounted to about 130,000 million square feet.[12] With the order in effect, imports from Japan fell, and the Japanese industry contracted as lower-priced imports from Taiwan became the predominant factor in the U.S. market.[13] The number of Japanese producers of birch three-ply door skins decreased to 7 in 1981 and annual production fell to 20,908 million square feet.[14] By the end of the first quarter of 1982, there were three producers exporting to the United States, and the Japanese share of U.S. imports was about 7 percent. Taiwan's share was about 64 percent in that period.[15]

Definition of the Industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as "the domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product."[16] "Like product" is defined at section 771(10) as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle".[17]

The imported product is birch three-ply door skins. Two door skins, when supported from within by a frame, constitute a hollow-core flush door.[18] Standard three-ply door skins consist of three layers of veneer glued together in a sheet approximately one-eighth inch thick and not over 47 inches in width or 85 inches in length. Door skins exceeding these dimensions are considered oversized. The designation of wood is determined by the face ply. Birch door skins are used primarily in housing, but may also be used in office, institutional and industrial buildings. The imported product is sold in four grades: select, AA, AB, and BB. The select grade is the best quality available and is only produced by Japan.[19]

The domestically produced birch three-ply door skins have the same characteristics and uses as the imported product. The domestic product is sold in premium (AA), good (AB) and sound (BB) grades.[20]

Both imported and domestic door skins are generally marketed in mixed-grade lots. A small portion of door skin shipments are comprised of only one grade. Since the characteristics and uses for all grades of door skins are substantially the same, we have found only one like product in this investigation: birch three-ply door skins of all sizes and grades. Therefore the domestic industry consists of the U.S. producers of birch three-ply door skins.

There are three known domestic producers of these door skins: Patat Plywood Corp. (Patat), Weber Veneer and Plywood Corp. (Weber), and Paine Lumber Co. (Paine). Patat produces the majority of the domestic birch door skins. Weber specializes in oak door skins and limits it production of birch to premium grade door skins for special orders. Paine only produces birch door skins for its own internal needs.[21]

Condition of the Domestic Industry

As a remedy has been in place since 1976, we do not attribute problems the industry may be currently experiencing to LTFV sales. For example, we recognized the drop in housing starts has seriously affected the industry. An examination of the recent experience of the U.S. industry, however, enables us to gauge the industry's ability to withstand the changes in import competition which are likely to result from revocation of the dumping order.

The deteriorating condition of the domestic birch three-ply door skin industry is readily apparent from an examination of relevant indicators. U.S. production figures for 1981 through the first quarter of 1982 show that production has dropped sharply.[22] Shipments which increased in 1980 from the 1979 level fell in 1981 to below the 1979 levels. Shipments for January–March 1982 compared with the same period in 1981 again dropped dramatically.[23] Inventories almost tripled from March 1981 to March 1982.[24]

Capacity,[25] figured on the basis of one shift per day, five days per week, remained constant since 1979. Capacity utilization, however, decreased significantly from the first quarter of 1981 to the first quarter of 1982.[26]

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[8] Birch Three-Ply Door skins from Japan, Inv. No. AA1921–150, USITC Pub. Nos. 753 and 754 (1976).

[9] 19 U.S.C. 1675(b).

[10] The Department of Commerce, the current administering authority, may revoke an antidumping order under the statutory authority of section 751(c) as well as under section 751(b). The relevant regulation for a section 751(c) revocation requires a company seeking revocation to file an application, to have had no sales at less than fair value for at least two years following publication of a finding or order, and to agree to reinstatement of the order if there are such sales (15 CFR 353.54). One Japanese company has followed this procedure. Commerce has published a notice in the **Federal Register** of a tentative determination to revoke the birch three-ply door skin antidumping order as it applies to Marutama Industries Co., Ltd., one of the members of the petitioner's association (47 FR 22578, May 25, 1982; Report at A–40, Appendix E).

[11] Notice of Institution, 47 FR 14978, April 7, 1982. Report at Appendix B. Some changes in import competition are the expected result of implementation of an antidumping order. Others, such as a signficant change in the composition of the U.S. industry, may call for a review investigation.

[12] Petitioner's prehearing brief at 6.

[13] Imports from Taiwan undersold both the Japanese and the domestic product. Taiwan's ability to undersell may be attributable at least in part to the differencein wages. In 1979, wages for wood product workers in Taiwan were only 25 percent of those in Japan and substantially lower than those in the United States.

[14] Petitioner's prehearing brief at 6.

[15] Report at A–19.

[16] 19 U.S.C. 1677(4)(A).

[17] 19 U.S.C. 1677(10).

[18] Report at A–4.

[19] *Id.* Select grade represents less than 5 percent of total imports.

[20] *Id. at A–5.*

[21] *Id.* at A–11. Information on Paine is not included because the company did not provide sufficient data. Its production constitutes a very small portion of the total domestic birch three-ply door skin production.

[22] *Id.* at A–12.

[23] *Id.* at A–13.

[24] *Id.* at A–14.

[25] Capacity, capacity utilization, employment and profit ratios only are available on a plant basis rather than a product line basis, as all types of wooden door skins can be produced on the same equipment using the same workers. Financial data on Weber are not included because birch constitutes a small portion of its overall door skin operations. Report at A–17.

[26] *Id.* at A–12.

Although there was an increase in the number of employees from 1979 to 1981, employment figures for the quarterly period show a substantial drop.[27] Operating profit as a share of net sales decreased by more than 50 percent from 1979 to 1981. The ratio of net profit to net investment in assets and the net profit margin before taxes on income also declined.[28]

The House Report on the Trade Agreements Act of 1979 advises the Commission that in making its determinations it should focus on the conditions of trade and development within the industry concerned. "For one industry, an apparently small volume of imports may have a significant impact on the market; for another, the same volume might not be significant."[29] In making our determination, we have assessed the impact of changes that would be likely to result from revocation of the dumping order in the light of the current weakened condition of the domestic birch three-ply door skin industry. In this instance, even a small increase in the volume of imports from Japan would be significant.

Likely Effects of Revocation of the Antidumping Order

The nature of the Commission's determination in an investigation to review an affirmative antidumping order is prospective. The Commission must determine what will happen in the event that the order were revoked, particularly the likely effects on import volume and prices.[30]

In this investigation, our forecast of the likely behavior of the Japanese exporters focused on the data in the record concerning the ability of the Japanese producers to increase exports, the importance of the U.S. market to these producers, and the incentive to lower prices to compete in the United States. We also have considered the statement of the Hokkaido Plywood Manufacturers Association concerning Japanese intentions.[31] The Association stated that, without the order, exporters would allow their plans to be dictated by the U.S. market. At this point, they foresee "some reduction of Japanese prices and a modest increase in shipments"[32] as a result of revocation.

Japan has the ability to increase exports to the United States. Present production capacity in Japan is under-utilized. The three companies currently producing birch three-ply door skins, Marutama, Sattsuru and Sanmoku, have a combined annual capacity of 30.6 million square feet.[33] Statistic presented by the Japanese petitioner for the most recent quarter indicate that these companies are utilizing only about 74 percent of this capacity.[34] In addition, other Japanese firms which previously exported birch door skins to the United States could readily reestablish production of door skins and export to the United States. The capacity level of Japanese producers in 1979 was more than double the current annual capacity.[35]

There is nothing in the changed circumstances alleged in the petition to indicate a lessening in Japanese firms' interest in the U.S. market which was once so aggressively sought.[36] Moreover, Japanese firms have an interest in fully utilizing their capacity, and the only real outlet for such production is the U.S. market. There is no market for birch door skins in Japan, and there are only two export markets—the United States and Canada. The United States accounted for almost 96 percent of Japanes exports in 1981.[37]

In order to regain U.S. market share, the Japanese firms must lower prices to compete with the price leader, currently Taiwan. Lower priced Japanese door skins would take customers away from the domestic industry and suppress or depress prices. This would result in declines in domestic production and profitability. Considering the present weakened condition of the domestic industry, additional competition from lower-priced Japanese door skins would result in material injury.[38]

For these reasons, we find that the U.S. industry would be materially

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[27] *Id.* at A–15.

[28] *Id.* at A–17–18.

[29] H. Rep. No. 96–318, 96th Cong., 1st Session (1979) at 46.

[30] We note that although it is impossible to quantify the effect that the order has had on the behavior of those subject to it, in this case the existence of an order apparently has affected the pricing behavior of the importer and foreign producers subject to it, and thus revocation of the order would remove a restraint on pricing behavior.

[31] The Commission must assess the validity of statements on intentions, which could easily be self-serving. Statements on intentions should be examined in the light of other objective information on the record.

[32] Petitioner's posthearing brief at 4 and 7.

[33] Report at A–26; Petitioner,s prehearing brief at 5; Petitioner's posthearing brief at 2.

[34] Report at A–27.

[35] *Id.*

[36] At the time of the original investigation dumping margins ranged as high as 55 percent, with a weighted average dumping margin of 21.9 percent.

[37] Petitioner's posthearing brief at 3.

[38] In the opinion of Commissioner Frank, in this case there is substantial evidence that the likelihood of future injury is real and imminent if the antidumping finding that is currently in force were to be revoked. Besides the above cited factors which probably would impact on the U.S. industry's condition there are the Japanese industry capabilities and export proclivities. These are, in part, evidenced by the pending Mitsui case being considered by the Federal Grand Jury in San Francisco relating to Mitsui's questionable efforts to circumvent steel trade rules set down by the United States. This case indicates the extent to which some of the Japanese trading companies go to attain their many international trade goals. Also impacted are apparent markets available to the Japanese exporters and the stated Japanese intent. The following additional factors are considered to be relevant facts and circumstances that exist and/or can be forecasted to exist or persist into at least the immediate- or near-term future: the entire Japanese birch three-ply door skins industry is not merely the presently operating plants producing this product, but also includes those companies capable of: 1) Restarting operations, or 2) converting operations from veneer for Taiwan sales or from plywood manufacture, or 3) diversion from sales of these products in other foreign markets to the United States or, 4) the emergence of companies from under Japanese bankruptcy laws into production again of birch three-ply door skins, or 5) other fast-start production capabilities in this product.

The time span that Commissioner Frank concludes is applicable in a 751 review investigation where material injury would be likely to occur includes time spans in which producers in Japan of the "like product" are able to make rapid movements to increase the number of production shifts, bring back equipment and plan that are well maintained but on idled- or standby-status, or to divert products shipped or produced such as is listed above in this footnote.

Commissioner Frank also notes that the Japanese yen currently appears to favor exports to the United States because the U.S. dollar has appreciated significantly to where more than 250 yen are equal to one U.S. dollar. This provides favorable conditions for this Japanese export industry now to earn more yen per U.S. dollar earned and to pay for inputs into their birch three-ply door skins products which in large measure are produced in Japan and bought with yens. Commissioner Frank notes that the U.S. Government argues that the Japanese yen should be 190 yen to the U.S. dollar. This, if adjusted, would avoid some Japanese export trade advantages that exist now or would necessarily exist in the immediate- or near-term future. It is not necessary for the Commission, in Commissioner Frank's opinion, to speculate on the future Generalized System of Preferences (GSP) status for Taiwan or the future of the dollar rate of exchange that may apply to the Taiwan currency. It is important also to note that the Japanese claim that their birch three-ply door skin quality is superior to that of Taiwan, but no price adjustment or qualitative factors have been introduced.

It is probable that new regional penetration efforts into the South Atlantic and Gulf Coast U.S. markets may be possible for this Japnese industry if the antidumping order were revoked. It is probable that larger extended lines of credit or more favorable terms of credit, or more promotional or technical assistance or other aids or consignment of products or inventory buildup of at least some of the more standard birch three-ply door skins at Japanese exporters' expense will occur in the immediate or near-term future. All of the immediate options are available to this Japanese industry and it is probable that some or all of these marketing/financial strategies will be utilized by the Japanese birch three-ply door skins industry to compete aggressively in the U.S. industry. Such pervasive aggressiveness and probable Japanese price reductions, or at least near-term price suppression, will hurt a U.S. industry which has had some viability in the South Atlantic and Gulf Coast U.S. areas and has filled some orders when Taiwan or Japanese birch three-ply door skins were not readily available.

injured if the antidumping duty order were to be revoked.

By order of the Commission.

Issued: July 21, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc.82-20438 Filed 7-27-82; 8:45am]

BILLING CODE 7020-02

[Investigations Nos. 701-TA-148 Through 150 (Final)]

Carbon Steel Wire Rod From Belgium, Brazil, and France

AGENCY: International Trade Commission.

ACTION: Institution of final countervailing duty investigations and scheduling of a hearing to be held in connection with the investigations.

EFFECTIVE DATE: July 14, 1982.

SUMMARY As a result of affirmative preliminary determinations by the United States Department of Commerce that there is a reasonable basis to believe or suspect that the Governments of Belgium, Brazil, and France are providing, directly or indirectly, subsidies with respect to the manufacture, production, or exportation of carbon steel wire rod within the meaning of section 701 of the Tariff Act of 1930 (19 U.S.C. 1671), the United States International Trade Commission hereby gives notice of the institution of the following investigations under section 705(b) of the Act (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of carbon steel wire rod, provided for in item 607.17 of the Tariff Schedules of the United States, from—

Belgium (investigation No. 701-Ta-148 (Final)),

Brazil (investigation No. 701-TA-149 (Final)), and

France (investigation No. 701-TA-150 (Final)).

Carbon steel wire rod is defined as a coiled, semifinished, 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, and valued over 4 cents per pound.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Miller (202-523-0305), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

On March 25, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigations, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of allegedly subsidized imports of carbon steel wire rod from Belgium, Brazil, and France. The preliminary investigations were instituted in response to petitions filed on February 8, 1982, by seven U.S. producers of carbon steel wire rod. The Department of Commerce will make its final subsidy determinations in these cases on or before September 21, 1982. The Commission must make its final injury determinations in the investigations within 120 days after the date of Commerce's preliminary subsidy determinations or by November 12, 1982 (19 CFR 207.25). A public version of the staff report containing preliminary findings of fact will be placed in the public record on September 1, 1982, pursuant to § 207.21 of the Commission's Rules of Practice and Procedure (19 CFR § 207.21).

Hearing

The Commission will hold a hearing in connection with these investigations beginning at 10:00 a.m., e.d.t., on September 23, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436. Requests to appear at the hearing shold be filed in writing with the Secretary of the Commission not later than the close of business (5:15 p.m.) on August 31, 1982. All persons desiring to appear at the hearing and make oral presentations may file prehearing briefs and should attend a prehearing conference to be held at 9:30 a.m., e.d.t., on September 8, 1982, in Room 117 of the U.S. International Trade Commission Building. Prehearing briefs must be filed on or before September 16, 1982.

Testimony at the public hearing is governed by section 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23, as amended, 47 FR 6191). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to new information. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended, 47 FR 6191). Posthearing briefs must conform with the provisions of § 207.24 (47 FR 6191) and must be submitted not later than the close of business on October 6, 1982.

Written submissions

Any person may submit to the Commission a written statement of information pertinent to the subject of these investigations. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission on or before October 6, 1982. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

Service of Documents

Any interested person may appear in these investigations as a party, either in person or by representative, by filing an entry of appearance with the Secretary in accordance with § 201.11 of the Commission's rules (19 CFR 201.11, as amended, 47 FR 6189). Each entry of appearance must be filed with the Secretary on or before August 18, 1982.

The Secretary will compile a service list from the entries of appearance filed in these final investigations and from the Commission's record in the preliminary investigations. Any party submitting a document in connection with these investigations shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8 41 FR 17710, as amended 47 FR 6188, and 47 FR 13791), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in § 201.[16(b) of the rules (19 CFR 201.16(b) as amended, 47 FR 6190).

In addition to the foregoing, each document filed with the Commission in the course of these investigations must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secrtary.

For further information concerning the conduct of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR 207, 44 FR 76457 as amended in 47 FR 6190 and

47 FR 12792) and Part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure (19 CFR § 207.20).

By order of the Commission.

Issued: July 22, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-20439 Filed 7-27-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-122]

Certain Miniature Battery-Operated All-Terrain Wheeled Vehicles; Change of the Commission Investigative Attorney

Notice is hereby given that Robert S. Budoff, Esq. of the Unfair Import Investigations Division will be the Commission Investigative Attorney, as of this date, instead M. Brooke Murdock, Esq.

The Secretary is requested to publish this notice in the **Federal Register.**

Dated: July 20, 1982.

David I. Wilson,

Chief, Unfair Import Investigations Division.

[FR Doc. 82-20442 Filed 7-27-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-108]

Certain Vacuum Bottles and Components Thereof; Notice of Termination of Respondent

AGENCY: International Trade Commission.

ACTION: Termination of investigation as to respondent Janco Industries, Inc.

SUMMARY: The Commission has terminated the above-captioned investigation as to respondent Janco Industries, Inc. (Janco), on the basis of a joint motion filed by complainant Union Manufacturing Co., respondent Janco, and the Commission investigative attorneys.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain vacuum bottles and components thereof. The joint motion to terminate the investigation as to Janco included an affidavit by Harry M. Kaneta, chairman of the board of Janco. In this affidavit, Mr. Kaneta stated that Janco has not imported and will not import or sell the allegedly infringing vacuum bottles in the United States, unless and until there is a final decision by the Commission or a court that the vacumn bottles do not infringe complainant's trademark.

Copies of the Commission's action and order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, telephone 202-523-0359.

By order of the Commission.

Issued: July 20, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-20440 Filed 7-27-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-184 (Preliminary)]

Frozen Concentrated Orange Juice From Brazil

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary countervailing duty investigation and scheduling of a conference to be held in connection with the investigation.

EFFECTIVE DATE: July 14, 1982.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of an investigation under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil of frozen concentrated orange juice, provided for in item 165.35 of the Tariff Schedules of the United States, which are alleged to be subsidized by the Government of Brazil.

FOR FURTHER INFORMATION CONTACT: Mr. David Coombs (202-523-1376), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed July 14, 1982, on behalf of the Florida Citrus Mutual of Lakeland, Florida. A copy of this petition is available for public inspection in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. The Commission must make its determination in this investigation within 45 days after the date of the filing of the petition or by August 30, 1982 (19 CFR 207.17). Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided for in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR § 201.11), on or before August 4, 1982. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of Documents

The Secretary will compile a service list from the entries of appearance filed in this investigation. Any party submitting a document in connection with the investigation shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR § 201.8), serve a copy of each such document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written Submissions

Any person may submit to the Commission on or before August 16, 1982, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 20.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m., on August 10, 1982, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigation, Mr. Lynn Featherstone, telephone 202–523–0242, not later than August 5, 1982, to arrange for their appearance. Parties in support of the imposition of countervailing duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR part 207, 47 FR 6182, February 10, 1982), and part 201, subparts A through E (19 CFR part 201, 47 FR 6182, February 10, 1982). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: July 21, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–20441 Filed 7–27–82; 8:45 am]

BILLING CODE 7020–02–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (82–45)]

Intent To Grant an Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant an exclusive patent license.

SUMMARY: NASA hereby gives notice of intent to grant to Akkerman Engineering and Manufacturing Company, Houston, Texas, a limited, exclusive, royalty-bearing, revocable license to practice the invention described in U.S. Patent No. 4,283,995 for "Reciprocating Engines" which issued August 18, 1981, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR Part 1245, Subpart 2. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentations. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the exclusive license.

DATE: Comments to this notice must be received by August 27, 1982

ADDRESS: National Aeronautics and Space Administration, Code GP–4, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John G. Mannix, Director of Patent Licensing, (202) 755–3954.

Dated: July 20, 1982.

S. Neil Hosenball,

General Counsel.

[FR Doc. 82–20464 Filed 7–27–82; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Opera, Musical Theater Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Opera-Musical Theater Advisory Panel (Professional Companies, Services to the Art, Producers Grants) to the National Council on the Arts will be held on August 18–21, 1982, from 9:00 a.m.—6:00 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on August 18, from 9:00 a.m.—10:15 a.m. to discuss announcements, updates and news, and orientation for panelists.

The remaining session of this meeting on August 18, from 10:15 a.m.—6:00 p.m., August 19 and August 20, from 9:00 a.m.—6:00 p.m. and on August 21, from 9:00 a.m.—2:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: July 21, 1982.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 82–20400 Filed 7–27–82; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Minorities in Science and Technology.

Place: Rm. 628, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Date: Wednesday, August 18; Thursday, August 19, 1982.

Time: Wednesday, 1–5 p.m.; Thursday, 9 a.m.–3 p.m.

Type of Meeting: Open.

Contact Person: Mrs. Mary Poats, Executive Secretary of the Committee, National Science Foundation, Rm. 537, 1800 G Street, N.W., Washington, D.C. 20550; Telephone: 202/357–9571.

Purpose of Subcommittee: Responsible for all Committee matters relating to the participation in and opportunities for education, training, and research for minorities in science and technology, and the impact of science and technology on minorities.

Summary Minutes: May be obtained from the contact person at the above stated address.

Agenda: The Subcommittee is asked to consider mechanisms to increase participation of minorities in Foundation programs, on research projects; to provide advice to the Director for the modification of NSF policies and procedures relating to minority appointments on advisory committees, as well to suggest a modification of the internal distribution of funds to implement this program.

M. Rebecca Winkler,

Committee Management Coordinator.

July 23, 1982.

[FR Doc. 82–20454 Filed 7–27–82; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on August 12–14, 1982, in Room 1046, 1717 H Street, NW, Washington, D.C. Notice of this meeting was published in the **Federal Register** July 20, 1982.

The agenda for the subject meeting will be as follows:

Thursday, August 12, 1982

8:30 a.m.–8:45 a.m.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

8:45 a.m.–12:30 p.m.: Grand Gulf Nuclear Station, Unit 1 (Open)—The Committee will hear the reports of its Subcommittees and consultants who are present regarding outstanding issues related to the Operating License for the Grand Gulf Nuclear Station Unit 1.

The Committee will hear and discuss reports from members of the NRC Staff and the Applicant regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

1:30 p.m.–1:45 p.m.: ECCS Evaluation Model (Open)—The Committee will hear and discuss a statement by the ACRS Subcommittee Chairman regarding proposed revision of 10 CFR Part 50, Appendix K, ECCS Evaluation Models.

1:45 p.m.–4:15 p.m.: Nuclear Plant Severe Accident Research Plan (NUREG–0900, Draft) (Open)—The Committee will hear and discuss a report from representatives of the NRC Staff regarding the proposed research plan related to consideration of severe accidents in nuclear power plant licensing.

4:15 p.m.–5:45 p.m.: Nuclear Power Plant Control Room Habitability (Open)—The Committee will hear reports from members of the NRC Staff and the nuclear industry regarding the impact of abnormal conditions on nuclear power plant control room habitability.

5:45 p.m.–6:30 p.m.: ACRS Reports to NRC (Open/Closed)— The Committee members will discuss proposed ACRS reports to the NRC regarding the request for an Operating License for the Grand Gulf Nuclear Plant Unit 1 and the Systematic Evaluation Program review of the Robert E. Ginna Nuclear Plant.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to these matters and information which will be involved in an adjudicatory proceeding.

Friday, August 13, 1982

8:30 a.m.–11:00 a.m.: Quantitative Safety Goals (Open)—Members of the Committee will hear and discuss the report of the ACRS Subcommittee on proposed NRC quantitative safety goals and the proposed implementation plan for these goals. Members of the NRC Staff and the nuclear industry will participate in the discussion as appropriate.

11:00 a.m.–12:00 Noon: Nuclear Plant Severe Accident Research Program (Open)—The Committee members will discuss the proposed ACRS report to NRC regarding draft NUREG–0900, Nuclear Plant Severe Accident Research Plan.

1:00 p.m.–1:15 p.m.: Future Committee Activities (Open)—The Committee members will discuss anticipated subcommittee acitivity and proposed full Committee activities.

1:15 p.m.–5:15 p.m.: Watts Bar Nuclear Plant Units 1 and 2 (Open)—The ACRS members will hear and discuss the report of its Subcommittee and consultants who are present regarding the request for an Operating License for the Watts Bar Nuclear Plant Units 1 and 2.

Representatives of the NRC Staff and the Applicant will make presentations and respond to questions regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter.

5:15 p.m.–6:00 p.m.: Subcommittee Activities (Open)—The Committee will hear and discuss a report by the Chairman of its Subcommittee on Site Evaluation regarding consideration of seismic events in emergency planning.

Saturday, August 14, 1982

8:30 a.m.–11:30 a.m.: ACRS Reports to NRC (Open/Closed)—The Committee will discuss proposed reports to NRC regarding matters discussed during this meeting and proposed changes to 10 CFR Part 60, Disposal of High-Level Radioactive Wastes in Geologic Repositories.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being considered, and information that will be involved in an adjudicatory proceeding.

11:30 a.m.–11:45 a.m.: Activities of Members—The members will discuss the request for an ACRS member to participate in ANS-sponsored activities regarding the source term used in nuclear accident evaluation.

11:45 a.m.–12:00 Noon: NRC Safety Research Program (Open)—The Committee will hear and discuss the report of its Subcommittee regarding development of an NRC Long-Range Research Program Plan.

1:00 p.m.–2:30 p.m.: ACRC Reports to NRC (Open/Closed)—The members will complete preparation of proposed reports to NRC regarding matters discussed during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being considered, and information that will be involved in an adjudicatory proceeding.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 30, 1981 (46 FR 47903). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss proprietary Information (5 U.S.C. 552b(c)(4)) applicable to the matters being discussed and information involved in adjudicatory proceedings (5 U.S.C. 552b(c)(10)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. e.d.t.

Dated: July 22, 1982.

John C. Hoyle,

Advisory Committee Management.

[FR Doc. 82–20437 Filed 7–27–82; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Grand 'Gulf Nuclear Station Units 1 and 2; Meeting; Exemption Change

The ACRS Subcommittee notice on Grand Gulf Nuclear Station Units 1 and 2 scheduled for August 11, 1982, Room 1046, 1717 H Street, NW, Washington, DC has been changed to add Exemption 3 as a basis for closing a portion of the meeting.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary, industrial security and/or Unclassified Safeguards Information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemptions 3 and 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary, industrial security and/or Unclassified Safeguards Information. The authority for such closure is Exemptions (3) and (4) to the Sunshine Act, 5 U.S.C. 552b(c) (3) and (4).

All other items regarding this meeting remain the same as announced in the Federal Register published Thursday, July 22, 1982 (47 FR 31762). Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Herman Alderman (telephone 202/634–1413) between 8:15 a.m. and 5:00 p.m., e.d.t.

Dated: July 22, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–20436 Filed 7–27–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–368]

Arkansas Power & Light Co.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. NPF–6 issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit 2 (the facility), located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment allows plant operation with loop resistance temperature detector response times exceeding six seconds provided that appropriate penalty factors are inserted into the Core Protection Calculator System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has 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 of negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 3, 1982, as supplemented May 20, 1982, (2) Amendment No. 33 to Facility Operating License No. NPF–6, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801. 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 21st day of July, 1982

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3 Division of Licensing.

[FR Doc. 82–20433 Filed 7–27–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–302]

Florida Power Corp., et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR–72, issued to Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications (TSs) for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

The amendment allows operation of the facility at a power level no greater than 2475 MWt with the Reactor Coolant Pump Power Monitors bypassed provided there are four reactor coolant pumps in operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has 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) the application for amendment dated May 28, 1982, (2) Amendment No. 56 to License No. DPR–72, 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 Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida. 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.

Sydney Miner,

Acting Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82–20434 Filed 7–27–82; 8:45 am]

BILLING CODE 7590–01–M

Regulatory Guide; Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been

developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.52, "Standard Format and Content for the Health and Safety Sections of License Renewal Applications for Uranium Fuel Fabrication Plants," identifies the information needed by the NRC staff for its evaluation of the Health and Safety Sections of license renewal applications for uranium fuel fabrication plants and provides a format for its presentation.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Md. this 22nd day of July 1982.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 82-20435 Filed 7-27-82; 8:45 am]

BILLING CODE 7590-01-M

PANAMA CANAL COMMISSION

Privacy Act of 1974; New System of Records; Deletion, and Amendments

ACTION: Notice of a new system of records; deletion of a system; and amendment of five systems.

SUMMARY: The Panama Canal Commission plans to operate a new automated Privacy Act system of records called the "Personnel Management System, PCC/PR-4." The purpose of the system is to support the recordkeeping and reporting requirements of the Commission's personnel management function. Establishment of the new system will result in the replacement of the current interim automated Personnel Information System, PCC/PR-7, and the modification of five existing Privacy Act systems currently manually maintained by the Office of Personnel Administration.

DATES: Target date for implementation of the new system is September 20, 1982. Written comments by any member of the public concerning any portion of the new system or concerning the routine uses of the amended systems are invited. To be considered, comments must be received by August 30, 1982. If no comments requiring modification of the systems are received, the establishment of the new system, PR-4; the modification to the five systems PR-1, PR-2, PR-3, PR-6, and PR-9; and the deletion of PR-7 will become effective on September 20, 1982.

ADDRESS: The public should address comments to: K. E. Goldsberry, Agency Records Officer (Chief, Administrative Services Division), Panama Canal Commission, APO Miami 34011. Mark all comments "PR-4."

FOR FURTHER INFORMATION CONTACT: Mrs. Barbara Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street N. W., Washington, D.C. 20004 (telephone 202-724-0104).

SUPPLEMENTARY INFORMATION: The personnel requirements are particularly complex at the Panama Canal Commission because of the need to comply with the rules specified by the Office of Personnel Management (OPM) and other Federal labor regulations, and to support the Panama Canal Treaty of 1977 and its implementing legislation. These functions are currently supported by a system of manual recordkeeping and reporting, and the use of an interim computer system integrated with the payroll process, i.e., the Personnel Information System, PCC/PR-7. As the need for more information and the complexity of the personnel management function has increased, the manual process has become increasingly more inadequate, unresponsive, and lacking in the personnel data needed. This frequently causes late pay adjustments and personnel actions, which requires extensive overtime and is a constant source of employee dissatisfaction.

The primary objectives of the computer system are to automate the processing of personnel actions and the production of the Standard Form 50. By automating many of the manual functions, the system reduces the time required to process personnel actions while increasing the accuracy and timeliness of the information. The new system will also support the personnel functions of managing employee actions, position administration, benefits administration, employee development, retirements, and salary and wage administration. The information requirements of Commission management, personnel and payroll operations, external requests, and employees will be met through various types of reporting.

The new automated Personnel Management System, PCC/PR-4, will be maintained by the Office of Personnel Administration, and Management Information Systems, and will contain employment-related data in coded form on each employee as well as a service history, training history, wage and position data. The information will be retrievable by name, employee identification number, position number and code, and occupation code. The system will produce information automatically on a daily, weekly, biweekly, and monthly basis, and on request. In addition to regularly scheduled reports, extensive on-line inquiry and ad-hoc reporting facilities will be provided to obtain personnel data in many different forms and views. Published below is the description of proposed new system notice.

The new Personnel Management System, PR-4, will replace the interim automated personnel information system, PCC/PR-7; therefore that system will be discontinued effective the date of implementation. Other Privacy Act systems of the Office of Personnel Administration that will be affected by the automation of current manual recordkeeping functions are:

PCC/PR-1, Disability Relief, Retirement and Group Supplementary Life Insurance Records
PCC/PR-2, Employee Benefits Records
PCC/PR-3, Personnel Data Records
PCC/PR-6, Training and Employee Development Records
PCC/PR-9, Incentive Awards Program Files

Published below are the amended notices reflecting the changes in the descriptions of their location, storage, safeguards, and retention and disposal where applicable.

Dated: July 16, 1982.

Pandora G. Aleman,

Acting Chief, Administrative Services Division, Acting Agency Records Officer.

PCC/PR-4

SYSTEM NAME:

Personnel Management System, PCC/PR-4.

SYSTEM LOCATION:

Office of Personnel Administration, Panama Canal Commission, Administration Building, Balboa Heights, and Ancon, Republic of Panama; and Management Information Systems, Panama Canal Commission, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current employees of the Panama Canal Commission in permanent and temporary positions. Data on terminated employees will be kept on the automated data base for two years after termination date.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee records include name, PCC identification number, birthdate, U.S. Social Security number, Republic of Panama Social Security number, Republic of Panama cedula number, citizenship, bi-national status, veterans preference code, Vietnam veteran status, position number, pay level (wage category, level, grade, and step), salary, sex, blood type, marital status, former name, spouse's PCC identification number, number of dependents, mailing address, pay rate determination status, physical exam requirements, pay basis, annual premium compensation, differential type and amount, step increase due date, tenure code, tenure conversion date, target pay level, occupation code, work week status, roll and gang, outstanding performance rating, status of employment, eligibility for repatriation, eligibility for home leave, APRTE (actual place of residence at the time of employment), educational level, date of degree, academic discipline, qualifications by occupation code, RIF code, qualifying date, outstanding award code and date, previous pay level for employees that were RIFed, RPL and PPL codes, rehired annuitant indicator, FEHBA plan, FEGLI information, eligibility for early retirement indicator, retirement plan code, rotation date, on/off Isthmus hire code, PCC constructed service time, constructed federal service time, leave type, entry-in-force status code, constructed FLSA coverage code, service date for retired military employees, effective date of the employee's current grade, last held occupation code, position, promotional occupation code and pay level, starting occupation code and pay level, target occupation and pay level and developmental position identifier, promotion due date, due date for promotion to target grade, probation ending date, beginning date for retirement deduction, position title and functional classification of employee's position.

The position records in the new system include: labor cost distribution data such as primary and secondary account numbers and chargeable percentages; developmental position data such as starting and target pay levels, and occupation codes; position related data including the position title, functional classification code, the functional title code; and supervisory position code; position control data such as manpower number and date of manpower authorization; and pay related data including current pay rates, timing code, and unit pay rates.

The employee service history records contain data on all Requests for Personnel Actions (RPA's) processed during the last three years. Data maintained in this file includes: employee IP, effective date of the action, nature of action code, process date and pay-related data such as pay rates, pay level, work week, and position data.

Training history records provide a detail of employee training including: completed course data such as course code and description, date of course, purpose, cost, duty and non-duty hours, and course grade, training requirements by job responsibility level and official PCC training data is also maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. Chapters 35, 41, 45, 55, 57, 83, 87; 22 U.S.C. 3611 (Supp. III 1979); Articles III and X of the Panama Canal Treaty of 1977

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be:

a. Disclosed to the following agencies and organizations, in connection with their authorized functions: Office of Personnel Management; Merit Systems Protection Board; Internal Revenue Service; Social Security Administration; General Accounting Office; U.S. military agencies; state unemployment compensation offices; city, county, and state tax offices; employee credit unions; banks; insurance carriers; employee and professional organizations; and Combined Federal Campaign.

b. Disclosed to officials of labor organizatins when relevant and necessary to their duties concerning personnel policies, practices, and matters affecting working conditions.

c. Used to promote the incentive awards program through the local news media.

d. Disclosed to prospective employers or other organizations, at the request of the individual.

e. Used in the selection process by the agency in connection with appointments, transfers, promotions or qualifications determinations. To the extent relevant and necessary, it will be furnished upon request to other agencies for the same purpose.

f. Used to provide statistical reports to Congress, U.S. Government agencies, the Government of Panama, and the public on characteristics of the Federal work force.

g. Used in the production of summary descriptive statistics and analytical studies; may also be used to respond to general requests for statistical information (without personal indentifier) under FOIA; or to locate individuals for personnel research or other personnel research functions.

h. Disclosed to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

i. Disclosed in accordance with the general routine uses listed in the "Prefatory Statement of General Routine Uses" published at 45 FR 85256 and in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes and disks; computer printouts; and paper records.

RETRIEVABILITY:

By employee identification number, by name, position number and code, and occupation code. Personal information on individuals can also be accessed indirectly by use of almost any data element in the system.

SAFEGUARDS:

A combination of standard physical security measures, appropriate management information practices, and computer system/network security controls are used to protect these records. The system's design incorporates the stringent safeguards

required by Office of Management and Budget (OMB) Circular A–71, Transmittal No. 1. Safeguards include: batch controls; computer processing controls; access to both hard copy documents and computer files restricted to authorized personnel; restricted on-line access, with authorization limited in accordance with user-entered confidential indentifying code and access code. A special coordinating group in the Personnel Operations division called the Personnel Data Control Center has been designated by the system manager to maintain control of all input documents and issuance of report information. Printouts are produced automatically on a daily, weekly, monthly basis, and upon written request from the system manager. Reports, tapes, and disks are kept in a locked cabinet or secure area when not in use.

RETENTION AND DISPOSAL:

Records on active employees in the automated data base are retained as long as they are employed. Paper forms used for inputing information into the computer system are maintained for one year. Records on terminated employees are retained for two years and then are deleted from magnetic tapes or disks. Tapes and disks are erased and reused. Printouts of various reports will be kept as long as needed, for example, weekly reports are destroyed when the weekly update is produced. Some reports only produced annually or biannually may be kept up to three years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011, or Administration Building, Balboa Heights, Republic of Panama.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011, or Administration Building, Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of the officials designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

Rules governing how an individual may request the amendment of any information about him in this system, are published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject employee; Requests for Personnel Action forms; Official Personnel Folders, Incentive Award Files; the agency payroll master file; Office of Health and Safety records; and computer-generated and manual calculations from varied input data.

Deletion

System Name:

Personnel Information System, PCC/PR–7

Reason:

Replaced by the new automated Personnel Management System, PCC/PR–4.

Amendments

System Name:

Disability Relief, Retirement and Group Supplementary Life Insurance Records, PCC/PR–1

Changes:

System Location:

Delete the period at the end of the line, and insert: ", and Management Information Systems, Administration Building, Balboa Heights, Republic of Panama."

Storage:

Delete the period at the end of the line, and insert: ", and magnetic tapes and disks, and computer printouts."

Safeguards:

At end of the entry, add: "A combination of standard physical security measures, appropriate management information practices, and computer system/network security controls are used to protect these records. The stringent safeguards required by Office of Management and Budget (OMB) Circular A.71, Transmittal No. 1 are applied. Safeguards include: batch controls; computer processing controls; access to both hard copy documents and computer files restricted to authorize personnel; restricted on line access, with authorization limited in accordance with user-entered confidential identifying code and access code: A special coordinating group in the Personnel Operations Division called the Personnel Data Control Center has been designated by the system manager to maintain control of all input documents and issuance of report information. Printouts are produced automatically and upon written request from the system manager. Reports, tapes, and disks are kept in a locked cabinet or secure area when not in use."

Retention and Disposal:

At the end of the entry, add: "Records on active employees in the automated data base are retained as long as they are employed. Paper forms used for inputing information into the computer system are maintained for one year. Records on terminated employees are retained for two years and then are deleted from magnetic tapes or disks. Tapes and disks are erased and reused. Printouts of various reports will be kept as long as needed, for example, weekly reports are destroyed when the weekly update is produced. Some reports produced annually or biannually may be kept up to three years."

System Name:

Employee Benefits Records, PCC/PR–2

Changes:

System Location:

Delete the period at the end of the line, and insert: ", and Management Information Systems, Administration Building, Balboa Heights, Republic of Panama."

Storage:

Delete the period at the end of the line and insert: ", and magnetic tapes and disks, and computer printouts."

Safeguards:

At the end of the entry, add: "A combination of standard physical security measures, appropriate management information practices, and computer system/network security controls are used to protect these records. The stringent safeguards required by Office of Management and Budget (OMB) Circular A.71, Transmittal No. 1 are applied. Safeguards include: batch controls; computer processing conrols; access to both hard copy documents and computer files restricted to authorized personnel; restricted on-line access, with authorization limited in accordance with user-entered confidential identifying code and access code. A special coordinating group in the Personnel Operations Division called the Personnel Data Control Center has been designated by the system manager to maintain control of all input documents and issuance of report information. Printouts are produced automatically and upon written request from the system manager. Reports, tapes, and disks are kept in a locked cabinet or secure area when not in use."

Retention and Disposal:

Delete the entry and insert: "Paper records in file folders retained for three years and then destroyed. Records on active employes in the automated data base are retained as long as they are employed. Paper forms used for inputing information into the computer system are maintained for one year. Records on terminated employees are retained for two years and then are deleted from magnetic tapes or disks. Tapes and disks are erased and reused. Printouts of various reports will be kept as long as needed, for exaple, weekly reports are destroyed when the weekly update is produced. Some reports produced annually or biannually may be kept up to three years."

System Name:

Personnel Data Records, PCC/PR–3

Changes:

System Location:

Delete the period at the end of the line, and insert: ", and Management Information Systems, Administration Building, Balboa Heights, Republic of Panama."

Storage:

Delete the period at the end of the line, and insert: ", and magnetic tapes and disks, and computer printouts."

Safeguards:

At the end of the entry, add: "A combination of standard physical security measures, appropriate management information practices, and computer system/network security controls are used to protect these records. The stringent safeguards required by Office of Management and Budget (OMB) Circular A–71, Transmittal No. 1 are applied. Safeguards include: batch controls; computer processing controls; access to both hard copy documents and computer files restricted to authorized personnel; restricted on-line access, with authorization limited in accordance with user-entered confidential identifying code and access code. A special coordinating group in the Personnel Operations Division called the Personnel Data Control Center has been designated by the system manager to maintain control of all input documents and issuance of report information. Printouts are produced automatically and upon written request from the system manager. Reports, tapes, and disks are kept in a locked cabinet or secure area when not in use."

Retention and Disposal:

Add the following phrase at the beginning of the entry: "Paper records manually maintained:". At the end of the entry, add: "Records on active employees in the automated data base are retained as long as they are employed. Paper forms used for inputing information into the computer system are maintaned for one year. Records on terminated employees are retained for two years and then are deleted from magnetic tapes or disks. Tapes and disks are erased and reused. Printouts of various reports will be kept as long as needed, for example, weekly reports are destroyed when the weekly update is produced. Some reports produced annually or biannually may be kept up to three years."

System Name:

Training and Employee Development Records, PCC/PR–6

System Location:

Delete the period at the end of the line, and insert: ", and Management Information Systems, Administration Building, Balboa Heights, Republic of Panama."

Storage:

Delete the period at the end of the line, and insert: ", and magnetic tapes and disks, and computer printouts."

Safeguards:

At the end of the entry, add: "A combination of standard physical security measures, appropriate management information practices, and computer system/network security controls are used to protect these records. The stringent safeguards required by Office of Management and Budget (OMB) Circular A–71, Transmittal No. 1 are applied. Safeguards include: batch controls; computer processing controls; access to both hard copy documents and computer files restricted to authorized personnel; restricted on-line access, with authorization limited in accordance with user-entered confidential identifying code and acces code. A special coordinating group in the Personnel Operations Division called the Personnel Data Control Center has been designated by the system manager to maintain control of all input documents and issuance of report information. Printouts are produced automatically and upon written request from the system manager. Reports, tapes, and disks are kept in a locked cabinet or secure area when not in use."

Retention and Disposal:

Add the following phrase at the beginning of the entry: "Paper records manually maintained:". At the end of the entry, add: "Records on active employees in the automated data base are retained as long as they are employed. Paper forms used for inputing information into the computer system are maintained for one year. Records on terminated employees are retained for two years and then are deleted from magnetic tapes or disks. Tapes and disks are erased and reused. Printouts of various reports will be kept as long as needed, for example, weekly reports are destroyed when the weekly update is produced. Some reports produced annually or biannually may be kept up to three years."

System Name:

Incentive Awards Program Files, PCC/PR–9

Changes:

System Location:

Delete the period at the end of the line, and inset: ", and Management Information Systems, Administration Building, Balboa Heights, Republic of Panama."

Storage:

Delete the period at the end of the line, and insert: ", and magnetic tapes and disks, and computer printouts."

Safeguards:

At the end of the entry, add: "A combination of standard physical security measures, appropriate management information practices and computer system/network security controls are used to protect these records. The stringent safeguards required by Office of Management and Budget (OMB) Circular A–71, Transmittal No. 1 are applied. Safeguards include: batch controls; computer processing controls; access to both hard copy documents and computer files restricted to authorized personnel; restricted on-line access, with authorization limited in accordance with user-entered confidential identifying code and access code. A special coordinating group in the Personnel Operations Division called the Personnel Data Control Center has been designated by the system manager to maintain control of all input documents and issuance of report information. Printouts are produced automatically and upon written request from the system manager. Reports,

tapes, and disks are kept in a locked cabinet or secure area when not in use."

Retention and Disposal:

Add the following phrase at the beginning of the entry: "Paper records manually maintained:". At the end of the entry, add: "Records on active employees in the automated data base are retained as long as they are employed. Paper forms used for imputing information into the computer system are maintained for one year. Records on terminated employees are retained for two years and then are deleted from magnetic tapes or disks. Tapes and disks are erased and reused. Printouts of various reports will be kept as long as needed, for example, weekly reports are destroyed when the weekly update is produced. Some reports produced annually or biannually may be kept up to three years."

[FR Doc. 82-20405 Filed 7-27-82; 8:45 am]

BILLING CODE 3640-01-M

President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research; Public Meeting

Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committees Act, that the twenty-third meeting of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research will be held in the Auditorium of The Medical Society of the District of Columbia, 2007 Eye Street, N.W., Washington, D.C. from 9:00 a.m. to 5:00 p.m. on Thursday, August 12, 1982, and from 8:30 a.m. to 2:30 p.m. on Friday, August 13, 1982.

The meeting will be open to the public, subject to limitations of available space. The agenda for Thursday, August 12 will include, among other things, the swearing-in of four new Commissioners, and Commission deliberation and action on a report of its study of the ethical and legal implications of "informed consent" to health care. The agenda for Friday, August 13, will include, among other things, Commission deliberation on the implications of several aspects of decisions to forego life-sustaining treatment, particularly in long-term care institutions and neonatal intensive care units.

During Thursday afternoon at approximately 1:00 p.m., and Friday morning, at approximately 11:45 a.m., fifteen minutes will be devoted to comments from the floor on the subject of any of the agenda items, limited to three minutes per comment. Written suggestions and comments will be accepted for the record from those who are unable to speak because of the constraints of time and from those unable to attend the meeting.

Records shall be kept on all Commission proceedings and will be available for public inspection at the Commission office, located in Suite 555, K Street, N.W., Washington, D.C. 20006.

For further information, contact Andrew Burness, Public Information Officer, at (202) 653-8051.

Alexander M. Capron,

Executive Director.

[FR Doc. 82-20457 Filed 7-27-82; 8:45 am]

BILLING CODE 6820-AV-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18890; File No. SR-NYSE-82-11]

Self Regulatory Organizations; Proposed Rule Change; New York Stock Exchange, Inc.

Relating to automated comparison procedures to facilitate implementation of a pilot program using a universal contra in the New York Stack Exchange's Automated Bonds System.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 30, 1982, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will implement, on a one year pilot basis commencing July 15, 1982, procedures for using a universal contra party name to report and compare executions of bond orders matched through the Exchange's Automated Bonds System. The pilot will hereinafter be referred to as the "ABS Enhancement" pilot. The text of the proposed rule change will be embodied in an Information Memo distributed to Exchange members. When the operation of the ABS Enhancement under actual market conditions has been evaluated, appropriate rule changes will be developed and filed with the Commission for its approval.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to facilitate the implementation of the ABS Enhancement pilot project. The Automated Bonds System, ABS, currently provides an online quotation and trade information system for most of the bond issues traded on the Exchange. The System automates the validation, storage, and suggested matching of orders for those bonds assigned to it, which comprise 88% of the bonds listed on the Exchange.

The ABS Enhancement will introduce a universal contra party symbol ("ABS") to report and compare executions of orders matched through the System (except "cash" and "next day" settlement terms). The System will record all data entered by subscribers on its tape, but execution reports will substitute ABS for the symbol of the contra party, thus isolating each side of the trade from the possibility of clearing problems arising from errors or omissions in trade data submitted by the other.

The ABS Enhancement will also automate the submission of trade data to comparison, relieving subscribers of that responsibility and accelerating the comparison process.

Operating procedures for the ABS Enhancement pilot are as follows:

(1) ABS subscribers will enter orders as they do today via terminals in their upstairs offices, or on the Floor of the Exchange.

(2) When an order is executed, the System will issue an execution report showing ABS as the contra party, for Floor brokers of the participating member firms to initial.

(3) An entering firm may make changes in trade data recorded by the

System until 5 p.m. on the day of trade (T) by contacting an Exchange employee who will be designated to handle such requests.

In the case of a change to a "give up", the Exchange employee will enter the new "give up" in the System.

In the case where a change in the price, quantity, or name of a bond, or cancellation is requested, the Exchange employee will contact the contra party to the trade on behalf of the firm requesting the change. If the contra party agrees, a Floor Official will be called in to approve publication of the change, the Exchange employee will enter the new information on the tape, and the System will print out new execution reports for the participants.

If the contra party does not agree to the change requested, it will not be made.

(4) At 5 p.m. on T, the System will submit all trade data entered during the day to comparison directly from its tape.

(5) Each ABS subscriber and clearing firm identified by ABS as having participated in a trade on T will receive an activity report of such trades before 9 a.m. on T + 1. ABS trading errors (customer, price, quantity, bond) identified by the activity report may be corrected by subscribers and their customers through National Securities Clearing Corporation Bond Comparison procedures.

The ABS Enhancement is expected to benefit member firms in the following ways:

(1) By assuring them of fully compared trades at the end of T;

(2) By relieving them of the expense of submitting ABS trades to comparison themselves;

(3) By issuing activity reports to flag possible problem trades on T + 1, a full day before contract sheets are available;

(4) By guaranteeing the anonymity of contra parties to ABS trades.

Statutory Basis for the Proposed Rule Change. The pilot program is designed to facilitate transactions in debt securities and to provide more efficient clearance and settlement of these transactions. Implementation of the pilot will better enable the Exchange to carry out the purposes of the Securities Exchange Act of 1934 regarding facilitating transactions in securities, promoting efficient executions, and maintaining fair and orderly markets as stated in Section 6(b)(5), Section 11(a)(1), and Section 11A(a)(1).

The pilot's objective of prompt and accurate clearance and settlement of transactions through the use of enhanced data processing techniques advances the purposes of the Act set forth in Section 17A(a).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not perceive any burden on competition not necessary for promoting the purposes of the Act that will be imposed by the proposed rule change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change. However, the NYSE worked together with the National Securities Clearing Corporation to develop the procedures that constitute the instant rule proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission has found good cause for approving the proposed rule change on an accelerated basis, in that the Automated Bonds System Enhancement is designed to eliminate "questioned trades" in issues traded through the ABS, to reduce costs to exchange member organizations, and to facilitate any clearing house comparison procedures that may be utilized. In addition, the NYSE filing states that it would be inappropriate to make final amendments to their rules to fully incorporate the ABS Enhancement into the exchange's trade and post-trade procedures before evaluating the operation of the ABS Enhancement under actual market conditions. In this regard, the filing also states that the exchange worked closely with the National Securities Clearing Corporation on the ABS Enhancement program and that at this time all preliminary work necessary to implement the pilot is complete. Accordingly, the Commission has found that notice for 30 days prior to approval is unnecessary and that accelerated approval is in the public interest.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 18, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 14, 1982.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-20388 Filed 7-27-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18893; File No. SR-NYSE-82-12]

Self-Regulatory Organizations; Proposed Rule Changes; New York Stock Exchange, Inc.

Resolution of the Board of Directors proposing that the portion of dues payable by physical access members under clause (i), subsection (b) of Section 1, Article X of the proposed amendments to the Exchange Constitution be credited to the amount of the annual dues otherwise payable by the 1366 equity members.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on July 1, 1982, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The proposed rule change consists of a Resolution of the Board of Directors adopted on January 7, 1982 which provides that the portion of the dues payable by physical access members under clause (i), subsection (b) of Section 1, Article X of the proposed amendments to the Exchange Constitution be credited to the amount of dues otherwise payable by the 1366 equity members. (See text of Article X section 1(b)(i) below.)

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Changes

The purpose of the proposed rule change is to modify the negative impact upon the value of equity seats resulting from the creation of annual physical access memberships. This is to be achieved by crediting a large portion of the dues paid by such physical access members to the dues otherwise payable by the equity members.

There are 1366 equity members of the Exchange who have made major financial commitments in purchasing their memberships. The current price of seats approximates $200,000 and most members' investment has been well in excess of such amount. Currently, an equity member not only makes a large initial investment in purchasing his seat from another member, but is also required to pay dues to the Exchange in the amount of $1,500 per year and an initiation fee of $5,000. In most cases it may be assumed that the equity member, in determining the amount bid for the original purchase of his seat, relied upon the fact that the number of seats was fixed at 1366. If the number of seats had been greater, a lower price may have been negotiated.

Under the amendments to Article IX and X of the Exchange Constitution, which was the subject of a separate filing on Form 19b–4 (File–NYSE–82–5), it is proposed to (1) limit, to 24, the number of physical access memberships, and (2) to provide a formula for determining, from time to time, the amount of physical access membership dues.

The formula for determining such physical access membership dues is contained in Section 1(b) of Article X which would provide as follows:

(b) The dues payable by a member described in Section 1(b) of Article IX with respect to each year of such membership, exclusive of fines and of such other charges as may be imposed pursuant to the Constitution, shall be the sum of (i) the average of the annual rentals payable under the *bona fide* leases of membership entered into during the six calendar months (or another period representative of the current lease market) prior to the beginning of such year, (ii) $1,500 and (iii) with respect to the first year of such membership only, $5,000. Such dues shall be paid in full prior to admission to membership, and prior to any renewal of such member's membership.

The resolution of the Board, which gives rise to the instant filing relates only to clause (i) of the above Constitutional Amendment, i.e. that portion of the dues which are determined based upon "the average of the annual rentals payable under the *bona fide* leases of membership entered into during the six calendar months (or another period representative of the current lease market) prior to the beginning of such year." It provides that 1/16,392 of the amounts payable by the physical access members under such clause (i) shall be credited, for each of 12 consecutive months, to the amount of dues otherwise payable by each equity member.[1]

The amount of the credit at any given time will be dependent upon the number of physical access seats outstanding and the amount of dues that have been paid to the Exchange pursuant to the formula set forth in clause (i) of Article X, Section 1(b) (which is based upon the average annual rentals payable under *bona fide* leases). It is therefore not possible to predict the actual amount that will be credited to the dues payable by the equity members.

Statutory Basis for the Proposed Rule Changes

The proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Exchange. In particular, they are consistent with Section 6(b)(2) of the Act requiring the Exchange rules to provide that any registered broker or dealer or natural person associated with a registered broker or dealer may become a member of such exchange; Section 6(b)(4) of the Act requiring that the rules of the Exchange provide for the equitable allocation of reasonable dues, fees and other charges among its members; Section 6(b)(5) of the Act requiring that the rules of the Exchange be designed to remove impediments to and perfect the mechanism of a free and open market and a national market system; and Section 6(b)(8) requiring that the rules of the Exchange not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

As to Section 6(b)(4) which relates to the requirement that the Exchange rules provide for an equitable allocation of dues, fees, and other charges among its members, the reduction in the annual dues of equity members that will result from the credit is justified because of the probable dilution in the value of their seats, resulting from the establishment of an additional class of membership with access to the floor, thus raising the number of such memberships beyond the 1366 in existence at the time many equity members purchased their seats. In view of the substantial difference between the investment necessary to purchase an equity seat, and the amount payable as dues for physical access to the Exchange floor, an "equitable allocation of dues" does not require complete parity, as long as the dues are fair and equitable upon a consideration of all the relevant circumstances. The proposed credit which is dependent largely upon the number of physical access memberships in existence at any given time, and the amount of their dues under the established formula, does not diminish what is essentially an equitable allocation of the Exchange's dues, fees and other charges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The establishment of physical access memberships was one of several steps taken by the Exchange to broaden access to its facilities, and thereby enhance competition. The resolution which is the subject of this rule filing does not detract from this goal, but merely represents a recognition of the dilution in the value of equity seats that may result from the creation of new forms of membership.

[1] The fraction 1/16,392 represents 1366 members multiplied by 12 months.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. by order approve such proposed rule changes, or

B. institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 18, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 20, 1982.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-20389 Filed 7-27-82 8:45 am]

BILLING CODE 8010-01-M

Pacific Stock Exchange, Inc.; Unlisted Trading Privileges in Certain Securities; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Key Pharmaceuticals, Inc., Common Stock, $.1111 Par Value (File No. 7-6265)

The Continental Group, Inc. (New Holding Company), Common Stock, $1 Par Value (File No. 7-6266)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 11, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-20390 Filed 7-27-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement To Dept. Circular; Public Debt Series-No. 18-82]

Series U-1984; Interest Rates

The Secretary announced on July 21, 1982, that the interest rate on the notes designated Series U-1984, described in Department Circular—Public Debt Series-No. 18-82 dated July 15, 1982, will be 13⅛ percent. Interest on the notes will be payable at the rate of 13⅛ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 82-20456 Filed 7-27-82; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Privacy Act of 1974; Amendment of Systems and Revised Systems of Records; Correction

In FR Doc. 82-14831, beginning on page 24010 in the issue of Wednesday, June 2, 1982 make the following correction:

The effective date of the revised systems of records statements was given incorrectly. The correct effective date of the revised systems of records statements is July 2, 1982.

Dated: July 23, 1982.

Nancy C. McCoy,

Assistant Director for Administrative Issues Management.

[FR Doc. 82-20447 Filed 7-27-82; 8:45 am]

BILLING CODE 8320-01-M

Privacy Act of 1974; Amendment of Systems and Revised Systems of Records; Correction

In FR Doc. 82-18166, beginning on page 29432 in the issue of Tuesday, July 6, 1982 make the following correction:

The effective date of the revised systems of records was given incorrectly. The correct effective date of the revised systems of records is August 5, 1982.

Dated: July 23, 1982.

Nancy C. McCoy,

Assistant Director for Administrative Issues Management.

[FR Doc. 82-20448 Filed 7-27-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 145
Wednesday, July 28, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION

Closed Commission Meeting, Thursday, July 29, 1982

The Federal Communications Commission will hold a Closed Meeting on the subject listed below on Thursday, July 29, 1982, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M. Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Applications for Review of a Review Board Decision granting the application of West Michigan Broadcasting Company, and related pleadings in the Hart, Michigan, comparative FM proceeding (Docket Nos. 80-688-89).

This item is closed to the public because it concerns adjudicatory matters (See 47 CFR 0603 (j)).

The following persons are expected to attend:

Commissioners and their Assistants
General Counsel and members of his staff
Managing Director and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission July 13, 1982. Commissioners Fowler, Chairman; Quello, Washburn, Fogarty, Jones, Dawson and Rivera voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office; telephone number (202) 254-7674.

Issued: July 22, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1095-82-Filed 7-26-82; 10:13 am]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Thursday, July 29, 1982

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, July 29, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* National Industry Advisory Committee (NIAC). *Summary:* The National Industry Advisory Committee (NIAC) is being considered for renewal by the Commission.

Common Carrier—1—*Title:* Revision and update of Rules Part 22 ("Pub Mobile Service") CC Docket 80-57. *Summary:* Before the Commission is a *Notice of Proposed Rulemaking* which proposes to simplify these rules, place them in plain language and bring the rules up to date with current technology, reducing costs to applicants and staff, and expediting the administrative processes related to the public mobile service.

Common Carrier—2—*Title:* Third Report and Order in the Competitive Carrier Rulemaking (CC Docket No. 79-252). *Summary:* The Commission continues its analysis of proposed methods of deregulating common carriers lacking market power. Specifically, the Commission will consider (1) whether it may lawfully forbear from regulation of non-dominant carriers where the cost of regulation outweighs public interest benefits and (2) whether it should apply the forbearance approach as a first step to resale common carriers.

Common Carrier—3—*Subject:* Domestic Fixed-Satellite Transponder Sales. *Summary:* The Commission will consider issues raised in CC Docket No. 82-45 and pending applications by domestic satellite licensees to sell transponders to users rather than lease pursuant to tariff.

Common Carrier—4—*Title:* Monitoring Compliance with Conditions Underlying General Telephone and Electronics Corporation's Acquisition of Telenet, CC Docket No. 80-197. *Summary:* The Commission will determine whether its decision to remove Computer II separation conditions from GTE's offer of enhanced services requires elimination or modification of similar conditions previously imposed on the merger of GTE and Telenet.

Common Carrier—5—*Title:* In re application of GTE Satellite Corporation (GSAT) for Section 214 authority. *Summary:* The Commission will consider whether to grant the application of GSAT to lease ten transponders from Telesat Canada to provide service to its customer, United Satellite Television.

Common Carrier—6—*Title:* Modification of Depreciation Rates for Seventeen Domestic Telephone Companies. *Summary:* In its Final Decision in FCC Docket No. 20188, 83 FCC 2d 267 (1980), the Commission amended Part 31 of the Rules and Regulations, the "Uniform System of Accounts for Class A and B Telephone Companies", to allow the use of the Straight Line Equal Life Group (SLELG) method in determining depreciation rates for new additions of telephone plant. The Commission recommended that SLELG rates be implemented first for the outside plant accounts. The Commission now has under consideration revised depreciation rates, based upon the SLELG method for the outside plant accounts for seventeen domestic telephone companies, consisting of fifteen AT&T and two GTE affiliates.

Common Carrier—7—*Title:* Bell Packet Switching Service. *Summary:* The Commission will consider whether to reject three, interrelated tariff filings by AT&T, or whether to allow these filings to take effect. The first of these filings would establish rates and regulations for Bell Packet Switching Service (BPSS). The other two filings are revisions to existing tariffs that provide for connection of BPSS with AT&T's Dataphone Digital Service and for an offering of a facility between an OCC's terminal location and a telephone company central office for connection to BPSS. The Commission will also consider what action to take on a petition for declaratory ruling concerning the scope of a carrier's obligation under the *Second Computer Inquiry* disclosure rule to disclose network design interface and construction information.

Common Carrier—8—*Title:* Docket No. 82-44, American Telephone and Telegraph Company Restrictions on Resale and Sharing of Private Line Services to Form Equivalents of Message Telecommunications Service and Wide Area Telecommunications Service. *Summary:* The Commission will consider the lawfulness of AT&T tariff restrictions prohibiting the use of its private line services in such a manner as to form equivalents of its two public switched network services, MTS and WATS.

Cable Television—1—Petitions for Special Relief (CSR-2010, -2030(x), -2042) filed October 7, November 19, and December 8,

1981, by Teleprompter Corporation. "Complaint" (CF-33) filed December 17, 1981, by Sainte Broadcasting Corporation, permittee of Television Broadcast Station KCBA (Spec., Channel 35), Salinas, California. Teleprompter Corporation seeks waivers of Sections 76.61(a) and 76.501(a)(2) of the Commission's Rules with respect to its cable television system serving Santa Cruz, California. Sainte Broadcasting Corporation, permittee of Television Broadcast Station KCBA (Spec., Channel 35), Salinas, California, alleges that Teleprompter has violated Section 76.61(a) of the Rules and seeks imposition of a forfeiture.

Broadcast—1—*Title:* Amendment of the Commission's Rules to provide for the elimination of harmful interference to radio communications involving safety to life and protection of property. (BC Docket No. 81-394) *Summary:* This Commission will consider petitions for reconsideration in the above-captioned matter filed by CBS Inc., and National Broadcasting Company.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 22, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1096-82 Filed 7-26-82; 10:13 am]

BILLING CODE 6712-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, August 2, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: July 26, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1099-82 Filed 7-26-82; 11:55 am]

BILLING CODE 6714-01-M

4.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, August 2, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of committees and officers:

Minutes of the actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Office of Corporate Audits:

Audit Report re: Liquidation Audit Report—Six Liquidation Sites (Dated April 21, 1982)

Discussion Agenda:

Memorandum and resolution re: Final amendment to section 329.10(b)(2) of Part 329 of the Corporation's rules and regulations entitled "Interest on Deposits" which would eliminate the 89-day maximum maturity date on, and the prohibition against automatic renewal of, retail repurchase agreements.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: July 26, 1982.

Federal Deposit Insurance Corporation.

[S-1100-82 Filed 7-26-82; 11:56 am]

BILLING CODE 6714-01-M

5

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Wednesday, July 28, 1982.

PLACE: Board Room, sixth floor, 1700 G. Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: The following item will be on the special Bank Board meeting scheduled Wednesday, July 28, 1982 at 10 a.m.:

Amendments to Policy Statement Concerning Branching and Supervisory and Non-Supervisory Mergers and Acquisitions.

[No. 53, July 26, 1982]

[S-1097-82 Filed 7-26-82; 11:27 am]

BILLING CODE 6720-01-M

6

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 32232, Monday, July 26, 1982.

PLACE: Board Room, sixth floor, 1700 G Street N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled Thursday, July 29, 1982:

Amendments Relating to Change in Control; Liquidity Amendments;
Management Official Interlocks;
Permission to Organize a New Federal Association—Ralph B. Chustz, et al., New Roads, Louisiana.

[No. 52, July 26, 1982]

[S–1098–82 Filed 7–26–82; 11:27 am]

BILLING CODE 6720–01–M

7

LEGAL SERVICES CORPORATION

Committee on Operations and Regulations

TIME AND DATE: 9 a.m.–5 p.m., Friday, August 6, 1982.

PLACE: Hennepin County Government Center, Meeting Room "A", 4th Avenue and 5th Street, South, Minneapolis, Minnesota.

STATUS OF MEETING: Open (Portion of the meeting may be closed to discuss matters under 45 CFR 1622.5(a) through (h)).

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of May 14, 1982 Meeting.
3. Office of General Counsel Report:
(a) H.R. 3480.
(b) S. 2393.
(c) Moorhead Amendment Regulation.
(d) Eligibility Regulations.
(e) Other Business.
4. Report from President of the Corporation.
5. Other Business.
6. Adjournment.

CONTACT PERSON FOR MORE INFORMATION: Anne Tracy, Office of the President, (202) 272–4040.

Dated: July 23, 1982.

[S–1093–82 Filed 7–23–82; 4:19 pm]

BILLING CODE 6820–35–M

8

NUCLEAR REGULATORY COMMISSION

DATE: Thursday, July 29, 1982 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED: *Thursday, July 29:*

10:00 a.m.:
Oral Presentation on Clinch River Breeder Reactor Project (public meeting) (as announced) (tentative)
2:00 p.m.:
Discussion of License Fees—Proposed Schedule (public meeting) (as announced) (tentative)
3:30 p.m.:
Affirmation/Discussion Session (public meeting) (items revised)
a. Diablo Canyon Physical Security—Governor Brown's Request for Public Disclosure of Non-Protected Information.
b. Diablo Canyon Physical Security—Purging of Classified Material in ALAB–653.
c. Request in Shoreham Operating License Proceeding for Access to ALAB–653 (Diablo Canyon Physical Security).
d. Review of ALAB–670 (In the Matter of Consumers Power Company).
e. Request for Fees and Expenses Under the Equal Access to Justice Act in Bailly Proceeding (Tentative).
f. S–3 Policy Statement (Tentative).

ADDITIONAL INFORMATION: On July 21, the Commission voted 4–0 (Commissioner Asselstine not present) to hold on short notice the Affirmation of Clinch River Order (Public Meeting), held that day.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

[S–1094–82 Filed 7–26–82; 9:33 am]

BILLING CODE 7590–01–M

federal register

Wednesday
July 28, 1982

Part II

Department of Education

Discretionary Grant Programs; Application Notice Establishing Closing Dates for Transmittal of Certain Fiscal Year 1983 Applications

DEPARTMENT OF EDUCATION

Discretionary Grant Programs; Application Notice Establishing Closing Dates for Transmittal of Certain Fiscal Year 1983 Applications

AGENCY: Department of Education.

ACTION: Application notice establishing closing dates for transmittal of certain Fiscal Year 1983 applications.

SUMMARY: The purpose of these application notices is to inform potential applicants of fiscal and programmatic information and closing dates for transmittal of applications for awards under certain programs administered by the Department of Education.

ORGANIZATION OF NOTICE

This notice contains two parts. Part I includes, in chronological order, the list of all closing dates covered by this notice. Part II consists of the individual application announcements for each program. These announcements are in the same order as the closing dates listed in Part I.

The budget estimates in the individual application notices are based on the President's budget request for Fiscal Year 1983 and are subject to enactment by the Congress.

INSTRUCTIONS FOR TRANSMITTAL OF APPLICATIONS

Applicants should note specifically the instructions for the transmittal of applications included below:

Transmittal of Applications: Applications for new projects must be mailed or hand delivered on or before the closing date given in the individual program announcements included in this document.

To be assured of consideration for funding, applications for noncompeting continuation awards should be mailed or hand delivered on or before the closing date given in the individual program announcements included in this document.

If an application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: Applications must be addressed to the Department of Education Application Control Center, *Attention:* (insert appropriate CFDA Number), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the US. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant for a new project will be notified that its application will not be considered.

Applications Delivered by Hand: Hand-delivered applications must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:30 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application for a new project that is hand delivered will not be accepted by the Application Control Center after 4:30 p.m. on the closing date.

Part I—Programs Listed in Chronological Order

CFDA	Program	Closing date
84.029	Handicapped Personnel Preparation—Noncompeting Continuations.	Sept. 15, 1982.
84.101	Program for Indian Tribes and Indian Organizations—Noncompeting Continuations.	Oct. 1, 1982.
84.019	Fulbright-Hays Training Grants, Faculty Research Abroad Program—New Projects.	Oct. 29, 1982.
84.022	Fulbright-Hays Training Grants, Doctoral Dissertation Research Abroad—New Projects.	Oct. 29, 1982.

Part II—Application Notices

84.029 Handicapped Personnel Preparation

Closing Date: September 15, 1982—Noncompeting Continuations.

Applications are invited for noncompeting continuation projects under the Handicapped Personnel Preparation Program.

Authority for this program is contained in section 631, 632, and 634 of Part D of the Education of the Handicapped.

(20 U.S.C. 1431, 1432, and 1434)

Awards are made under this program to institutions of higher education, other appropriate nonprofit institutions or agencies, and State educational agencies.

The purpose of the awards is to improve the quality and increase the supply of special educators and support personnel at both the preservice and inservice levels.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by September 15, 1982.

If the application is late, the Department of Education may lack sufficient time to review it with the noncompeting continuation applications and may decline to accept it.

Available Funds: The total amount of funds awarded under this grant program for Fiscal Year 1982 was $19,500,000. At this time the Fiscal Year 1983 appropriation is undetermined. It is estimated that $15,600,000 will be available for Fiscal Year 1983. An estimated 564 noncompeting continuation projects will be awarded with the average grant totalling $27,660. These estimates do not bind the Department of Education to a specific number of grants nor to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Applications Forms: Application forms and program information packages will be mailed to grantees who are eligible to apply for noncompeting continuation grant support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing Training Personnel in the Education of the Handicapped (34 CFR Part 318); and

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: Dr. Herman Saettler, Acting Director, Division of Personnel Preparation, Office of Special Education, and Rehabilitative Services, Department of Education, Room 4805, Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245–9886.

(20 U.S.C. 1431, 1432, 1434)

84.101 Programs for Indian Tribes and Indian Organizations—Noncompeting Continuations

Closing Date: October 1, 1982—Noncompeting Continuations.

Applications are invited for noncompeting continuation projects under the Program for Indian Tribes and Indian Organizations.

Authority for this program is contained in section 103 of the Vocational Education Act of 1963 as amended by the Education Amendments of 1976, Pub. L. 94–482.

This program issues awards to Indian Tribes or Indian Tribal Organizations which are eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act of 1975, Pub. L. 93–638, 25 U.S.C. 450, or under the Act of April 16, 1934, 25 U.S.C. 452–457.

The purpose of the awards is to provide opportunities in Vocational education for Indian Tribes and Indian Organizations.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for noncompeting continuation awards should be mailed or hand delivered by October 1, 1982.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Available Funds: It is anticipated that funds will be available for continuation of projects at the prior year level.

Application Forms: Application forms and program information packages are expected to be ready for mailing by August 13, 1982.

They may be obtained by writing to the Office of Special Programs, Office of Vocational and Adult Education, U.S. Department of Education (Room 5600, Regional Office Building 3) 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Program for Indian Tribes and Indian Organizations 34 CFR Part 408, §§ 408.201–408.214; and

(b) The following provisions of the Education Department General Administrative Regulations (EDGAR), (34 CFR Parts 74, 75, 77, and 78) except §§ 75.200–75.206.

Further Information: For further information contact Earl J. Dodrill or Harvey Thiel, Program Officers, Program for Indian Tribes and Indian Organizations, Office of Vocational and Adult Education, U.S. Department of Education (Room 5026, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245–8190.

(20 U.S.C. 2303)

84.019 Fulbright Hays Training Grants, Faculty Research Abroad Program

84.022 Fulbright Hays Training Grants, Doctoral Dissertation Research Abroad Program

Closing Date: October 29, 1982—New Projects.

Applications are invited for new projects under the Fulbright-Hays Training Grants—Faculty Research Abroad and Doctoral Dissertation Research Abroad programs.

Authority for these programs is contained in section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961.

(22 U.S.C. 2452(b)(6))

These programs issue awards to eligible applicants. Eligible applicants for Fulbright-Hays Training Grants are as follows:

a. For the Faculty Research Abroad program, accredited institutions of higher education.

b. For the Doctoral Dissertation Research Abroad program, accredited institutions of higher education which offer doctoral programs in the fields of foreign language and area studies.

The purpose of the awards is to improve and develop modern foreign languages and area studies in institutions of higher education in the United States.

Closing Date for Transmittal of Applications: An application for a grant must be mailed or hand-delivered by October 29, 1982.

Program Information: Evaluation criteria and eligibility requirements for the Faculty Research Abroad and Doctoral Dissertation Research Abroad programs appear in the Code of Federal Regulations in 34 CFR Part 662.

Funding Priorities: The Secretary has not established new funding priorities for Fiscal Year 1983. Applicants are reminded, however, that the regulations for this program provide that no assistance is available for projects focusing primarily on Western Europe or for research in countries where the United States has no diplomatic representation. (34 CFR 662.3).

Available Funds: It is expected that approximately $865,000 will be available for the Faculty Research Abroad and Doctoral Dissertation Research Abroad programs in Fiscal Year 1983.

It is estimated that these funds could support eleven Faculty Research Abroad fellows at an average cost of $16,000, and forty Doctoral Dissertation Research Abroad fellows at an average cost of approximately $17,220.

These estimates, however, do not bind the U.S. Department of Education to a specific number of grants nor to the amount of any grant unless that number is specified by statute or regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by August 15, 1982. They may be obtained by writing to the Division of Advanced Training and Research, International Education Programs, U.S. Department of Education, (Room 3907, ROB–3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed ten pages in length.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Higher Education Programs in Modern Foreign Language Training and Area Studies (34 CFR Part 662).

(b) Education Department General Administrative regulations (EDGAR) (34 CFR Parts 75 and 77).

Further Information: For further information contact John Paul (Doctoral Dissertation Research Abroad program)

or Robert R. Dennis (Faculty Research Abroad Program), Division of Advanced Training and Research, International Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245–2761.

(22 U.S.C. 2452(b)(6))

Dated: July 22, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82–20365 Filed 7–27–82; 8:45 am]

BILLING CODE 4000–01–M

federal register

Wednesday
July 28, 1982

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Mining and Reclamation Operations Under a Federal Program for the State of California

DEPARTMENT OF THE INTERIOR

30 CFR Part 905

Surface Mining and Reclamation Operations Under a Federal Program for the State of California

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the Department of the Interior proposes a Federal program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in California. This includes surface effects of underground coal mining. This proposed program is necessary in order to regulate surface coal mining activities in the absence of a State program.

DATES: Written comments must be received not later than 5:00 p.m. on October 5, 1982, at the address below. A public hearing will be held on September 27, 1982. Requests to testify at the hearing should be received by September 22, 1982. If commenters request a hearing date later than that set, the hearing will be rescheduled and the new date announced by a notice in the **Federal Register.**

ADDRESSES: Written comments must be mailed or hand-delivered to: Administrative Record Room (R&I–24), Office of Surface Mining, New Mexico Area Office, 219 Central Avenue, NW., Albuquerque, New Mexico 87102.

The public hearing on the proposed program will be held at 9:00 a.m. at the Sierra Travel Lodge, 2600 Auburn Boulevard, Sacramento, California 95821.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Office of Surface Mining, Branch of Regulatory Programs, Room 222, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone: (202) 343–5866.

SUPPLEMENTARY INFORMATION:

Availability of Copies

Copies of the proposed program are available for inspection and may be obtained at the OSM office listed above in **"ADDRESSES."**

Public Comment Period

The comment period on the proposed program will extend until October 5, 1982. All written comments must be received at the location above under **"ADDRESSES"** by close of business on that date.

All written comments received, a transcript of the public hearing, summaries of meetings held with representatives of OSM at the request of any person or organization to submit recommendations concerning the proposed program, and other documents comprising the administrative record on the Federal program for California will be made available for public review during regular business hours at the location listed above.

OSM appreciates all comments on the proposal, but those that will be most useful will be as specific as possible, focus on the issues in this proposed rulemaking, and provide reasons for any recommendations. OSM will not consider comments that do not pertain to the issues in this proposal, nor can OSM ensure consideration of written comments received after the comment period ends or those delivered to an address other than that specified.

Public Hearing

A public hearing on the proposed program will be held at the time and location listed above to hear all those who wish to testify. The hearing may be cancelled if, by September 22, 1982, no person has expressed interest in presenting testimony.

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officials who will attend the hearing. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying. The public hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Background

Under Section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (the Act), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, the Secretary of the Interior (the Secretary) is required to promulgate a Federal program within 34 months after passage of the Act if a State fails to submit a program to assume responsibility for regulating surface mining activities, fails to resubmit a program within 60 days of disapproval, or fails at any time to implement, enforce or maintain an approved State program. The time for submitting State programs was extended by seven months to March 3, 1980 as the result of litigation. *In re: Permanent Surface Mining Regulation Litigation,* 13 ERC 1447 (July 25, 1979). The date for submission of State programs has now passed.

An additional standard for the promulgation of a Federal program is found in 30 CFR Part 736, which requires the implementation of a Federal program for a State where the Director of OSM (the Director) "reasonably expects coal exploration or surface coal mining and reclamation operations to exist on non-Federal and non-Indian lands * * * at any time before June 1985 * * *" 30 CFR 736.11(a)(1).

Once a decision is made that a Federal program is necessary for a State, the Secretary must make several determinations before promulgating a program. Section 504(a) of the Act requires that in implementing a Federal program the Secretary take into consideration the nature of the State's terrain, climate, biological, chemical, and other relevant physical conditions. This requirement is also found in the regulations. 30 CFR 736.22(a)(1). The Act (section 505(b)) and the regulations (§ 736.23(b)) also provide that if a State has more stringent land use and environmental laws or regulations, they shall not be construed to be inconsistent with the Act or the Secretary's regulations. The Secretary believes that the requirements of section 505(b) can best be met by identifying State laws and regulations which impose equivalent or more stringent environmental controls and incorporating the requirements of those laws in the Federal program. If the State's laws or regulations establish more stringent standards regulating surface mining control and reclamation procedures than those found in the Act or the Secretary's regulations or if the State regulates or protects an aspect of the environment affected by surface mining operations which neither the Act nor the Secretary's regulations protect, OSM would then specifically preserve those State standards in the Federal program.

Also, in promulgating a program for a State, section 504(g) of the Act specifies that any State statutes or regulations which regulate surface mining and

reclamation operations subject to the Act will be superseded and preempted by the Federal program to the extent that they interfere with the achievement of the purposes and requirements of the Act and the Federal program. This provision is reinforced by section 505(a) of the Act, which states that only those State laws and regulations which are inconsistent with the Act and its implementing regulations shall be superseded by the Federal program. Thus, State statutes and rules regulating the same activities as those covered by the Federal law and regulations and which interfere with achievement of the purposes of the Act must be identified and preempted by OSM.

Finally, a Federal program, according to section 504(h) of the Act, must include a process for coordinating the review and issuance of surface mining permits with other Federal or State permits applicable to the proposed operation. The Federal statutes with which the surface mining permitting process must be coordinated are set out in 30 CFR 736.22(c). State statutes for which a permit is required must be identified in the process of promulgating a Federal program, and the Federal program must provide for coordination with the review and issuance procedures required by those statutes.

The parts of the permanent program regulations that must be included in a Federal program for a State are listed at 30 CFR 736.22(b). They include general requirements and definitions (Parts 700 and 701), the exemption for coal extration incident to government-financed highway or other construction (Part 707), the designation of lands unsuitable for surface mining (Parts 760, 761 and 675), permits and permit applications (Subchapter G), reclamation bonding (Subchapter J), performance standards (Subchapter K), inspection and enforcement (Parts 842, 843 and 845), and blaster training and certification (Subchapter M). In addition, the provisions in the permanent regulations on protection of employees (Subchapter P) and restrictions on financial interests (part 706) are applicable to Federal employees who perform functions or duties under the Act.

The rules for the permanent program are found in 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 56064). Parts 705 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15323–15393 (March 13, 1979). Subchapter M was published on December 12, 1980 (45 FR 82098). Corrections were published at 44 FR 15485 (March 14, 1979); 44 FR 53507–53509 (September 14, 1979); 44 FR 66195 (November 19, 1979); 45 FR 26001 (April 16, 1980); 45 FR 37818 (June 5, 1980); and 45 FR 47424 (July 15, 1980). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979) as corrected at 44 FR 75143 (December 19, 1979); at 44 FR 77440–77447 (December 31, 1979); 45 FR 2626–2629 (January 11, 1980); 45 FR 25998–260001 (April 16, 1980); 45 FR 33926–33927 (May 20, 1980); 45 FR 39446–39447 (June 10, 1980); 45 FR 52306–52324 (August 6, 1980); 45 FR 52375 (August 7, 1980); 45 FR 58780–58786 (September 4, 1980); and 45 FR 76932 (November 20, 1980); 46 FR 37232 (July 17, 1981); 46 FR 41702 (August 17, 1981); 46 FR 47720 (September 29, 1981); 46 FR 53376 (October 28, 1981); 46 FR 59934 (December 7, 1981); 47 FR 18552 *et seq.* (April 29, 1982); 47 FR 26356 *et seq.* (June 17, 1982).

Representatives of industry, two States and several environmental groups challenged the permanent regulatory program in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled *In re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144). In response to the arguments raised in the challenges, the Secretary voluntarily suspended several permanent program regulations. These suspensions were announced in the **Federal Register** on November 27, 1979 (44 FR 67942); December 31, 1979 (44 FR 77447–77454); January 30, 1980 (45 FR 6913); and August 4, 1980 (45 FR 51547–51550). In two opinions the court remanded certain other regulations which had been challenged in the lawsuit. These opinions were issued on February 26, 1980, and May 16, 1980. Many of the issues decided by the District Court have been appealed to the Court of Appeals for the District of Columbia Circuit. *In re: Permanent Surface Mining Regulation Litigation*, Nos. 80–1810, 80–1811, 80–1812, 80–1813 and 80–1823. The court has granted a stay of the proceedings pending the revision of regulations as noted below. The remanded and suspended rules are not at present applicable to this proposed Federal program.

California Federal Program

As mentioned above, when promulgating a Federal program for a State, the Secretary is required by section 504(a) of the Act to take into consideration the nature of the terrain, climate, biological, chemical, and other relevant physical conditions of that State. OSM has reviewed California laws and regulations to determine whether they suggest that special provisions may be necessary or appropriate based on special terrain or other physical conditions in the State. OSM solicits comments on special provisions that should be promulgated and the basis for those provisions.

The Director has determined that there are coal reserves in the State of California and that coal exploration or surface coal mining operations may occur in the State before June 1985. The State has failed to submit a program to the Secretary to obtain primary regulatory responsibility. Therefore, pursuant to 30 CFR 736.11, the Director must promulgate and implement a Federal program.

Pursuant to Section 504(a), the Secretary becomes the regulatory authority when a Federal program is implemented for a State. OSM's permanent program regulations contain references to "the regulatory authority," which means the Secretary when a Federal program for a State is involved, Section 701(22) of the Act. The Office of Surface Mining is delegated all of the Secretary's authority for implementing, maintaining and enforcing a Federal program. This proposed program for California would not change these responsibilities.

Explanation of Cross-Referencing

In the general notice of intent to promulgate Federal programs, May 16, 1980 (45 FR 32228), OSM stated that each Federal program would be specific to the particular State and would implement the permanent program procedures and environmental protection provisions of the Act (45 FR at 32229). However, except for changes to incorporate more stringent State environmental protection standards and to list other State laws requiring permits for which coordination is required, OSM believes that few changes are needed in the permanent program regulations for any particular State for which a Federal program must be promulgated.

In January 1981 the Secretary directed that the Department review all existing regulations in order to eliminate those which are burdensome, excessive and unnecessary. Review of the permanent program regulations was initiated and may result in a large scale revision of them. See semi-annual Calendar of Federal Regulations notice of rule review and revision, 47 FR 1709 (January 13, 1982). See also, e.g., revisions of OSM's bonding regulations, 30 CFR Subchapter J, 46 FR 45082 (September 9, 1981) and proposed revision of OSM's inspection and enforcement regulations,

30 CFR Parts 842, 843, and 845, 46 FR 58464 (December 1, 1981).

In order to take advantage of the results which revision of the permanent program regulations will achieve, OSM proposes to develop and promulgate this Federal program in the following manner. Rather than repeating the full text of the permanent regulations which are being revised, there would be a cross-reference to the permanent program regulations. For example, criteria for the designation of lands unsuitable for surface coal mining would be provided by the statement that "the Secretary shall designate lands unsuitable * * * pursuant to the criteria in 30 CFR Part 762" (see proposed § 905.762). One effect of the proposed cross-referencing to the permanent program regulations would be that as the permanent program regulations are revised, this Federal program would be similarly revised. Over time, all of the permanent program regulations will undergo review and many will be revised. No separate rulemaking would be undertaken or necessary for revision of this program if the cross-referencing alternative becomes effective, unless OSM determines that special conditions are necessary for a particular State. A statement would appear in both the proposed and final permanent program rulemaking notices advising the public that the change in the permanent program rule would also result in a change in this program, absent special conditions. The statement for the permanent program proposed rule would invite comment on necessary modifications to accommodate unique or unusual aspects of surface mining in any State and the final rule would be tailored for each State as necessary.

The promulgation of this cross-referencing program would not result in any modification of the substance of OSM's permanent program rules. Where specific provisions are needed for an individual State's Federal program which are different from the permanent program regulations, a separate paragraph is proposed to be added to the appropriate section of that State's Federal program. Cross-referencing to the permanent program rules may also be used in the promulgation of other Federal programs. Public comment on the cross-referencing method as it affects other Federal programs, however, should be directed to each of those rulemaking notices.

Several provisions of the permanent program regulations are already applicable to a particular State Federal program and need not be cross-referenced here because they were fully promulgated for application to all regulatory programs. Those provisions are 30 CFR Chapter VII, Subchapter P—Protection of Employees; Part 706—Restrictions on Financial Interests of Federal Employees; and Part 769—Petition Process for Designation of Federal Lands Unsuitable for Surface Coal Mining. However, 30 CFR Part 764—Designating Lands Unsuitable for Surface Coal Mining would be included in the State program by a cross-reference under § 905.764, to provide a petition process on non-Federal and non-Indian lands in California.

With regard to the bonding regulations (Subchapter J), only Part 800 is proposed to be cross-referenced because OSM has proposed to revise Subchapter J to include just one part, Part 800. 46 FR 45082 (September 9, 1981) (proposed).

Content and Organization of the Program

The content and organization of the proposed Federal program for the State of California would generally follow the permanent program regulations. As discussed above, instead of the full text appearing, each section of this proposed program would only include reference to the pertinent permanent program regulation.

Proposed § 905.700 (e) and (f) set out State statutes and regulations which may be more stringent or inconsistent with the federal standards. A separate paragraph is proposed to be added under each section where deviations from the Federal permanent program regulation for the California Federal program are proposed. These paragraphs will generally be found in Subsection (b) of each section.

In order to fulfill the Secretary's obligation under Section 504(a) of the Act to take into consideration the nature of the terrain, climate, biological, chemical, and other relevant physical conditions of each State, California laws have been reviewed. OSM is of the opinion that there are statutes which, in certain circumstances, impose stricter environmental controls than are provided for under the Act or the Federal regulations. Section 905.700(e) of the proposed Federal program for California lists the California laws which OSM has tentatively identified as setting more stringent land use and environmental controls for surface mining.

Those California statutes which may be more stringent in part are summarized as follows:

(a) Cal. Public Resources Code 2710 *et seq.*, the Surface Mining and Reclamation Act of 1975, regulates mining of less than two-acre sites.

(b) 14 Cal. Adm. Code 3500 *et seq.*, regulations implementing the California Surface Mining and Reclamation Act.

(c) California Coastal Act of 1976, Cal. Public Resources Code 30000 *et seq.*

(d) Cal. Public Resources Code 4656 (requiring permit for mining in State forests).

Comment is invited on whether the laws identified in § 905.700(e) of the proposed Federal program, which may in part reflect more stringent California environmental controls, adequately take into consideration the nature of the relevant physical conditions. Comment is also invited concerning any other California laws which establish more stringent land use and environmental controls.

In accordance with 30 CFR 736.23, OSM believes that the California statute and rules listed in § 905.700(f) of the proposed Federal program may in part interfere with the attainment of the goals and purposes of the Act and the Permanent Program Rules thereunder. Thus, OSM proposes that the following California statutes and rules be preempted and superseded to the the extent they so interfere when the proposed Federal program takes effect:

(a) Cal. Labor Code 7990 *et seq.*, which requires licensing of persons using explosives.

(b) Cal. Public Resources Code 2710 *et seq.*, the Surface Mining and Reclamation Act of 1975.

(c) 14 Cal. Adm. Code 3500 *et seq.*, which sets forth rules implementing the California Surface Mining and Reclamation Act of 1975.

(d) Cal. Health and Safety Code 25100 *et seq.*, the California Hazardous Waste Control Act.

(e) California Hazardous Waste Management Regulations, 22 Cal. Adm. Code 66011 *et seq.*

(f) California Solid Waste Management and Resource Recovery Act of 1972, Cal. Government Code 66700 *et seq.*

(g) California Solid Waste Management Act of 1980, Cal. Government Code 68000 *et seq.*

(h) California Solid Waste Management Regulations, 14 Cal. Adm. Code 17020 *et seq.*

The California Mining and Geology Board has statutory responsibility for administering and enforcing the laws and rules pertaining to surface mining. To a limited extent, California requires the reclamation of surface mined lands. However, its laws and regulations may in certain instances interfere with the attainment of the reclamation goals and

purposes expressed in the Act. Thus, OSM proposes that the California statutes and rules described above no longer be applicable to the regulation of coal exploration, surface coal mining operations or the reclamation of surface coal mined lands in the State of California except as insofar as they are as stringent or more stringent than the Federal provisions.

In order to coordinate the Federal program permitting process with the permitting requirements of California and those imposed by other federal statutes, § 905.770 of the proposed Federal program tentatively identifies the various permits, statutes and rules which may, expressedly or impliedly, affect surface coal mining and coal exploration and coal reclamation under the proposed Federal Program. The pertinent permits, statutes and rules are:

(a) California Porter-Cologne Water Quality Act. Cal. Water Code 13000 *et seq.*

(b) California Water Regulations, 23 Cal. Adm. Code 1050 *et seq.*

(c) California Coastal Act, Cal. Public Resources Code 3000 *et seq.*

(d) California Surface Mining and Reclamation Act of 1975, Cal. Public Resources Code 2710 *et seq.*

(e) Regulations implementing California Surface Mining and Reclamation Act of 1975, 14 Cal. Adm. Code 3500 *et seq.*

(f) Permitting requirement for mining on State forests, Cal. Public Resources Code 4656.

(g) California Solid Waste Management and Resource Recovery Act of 1972, Cal. Government Code 66700 *et seq.*

(h) California Hazardous Waste Control Act, Cal. Health and Safety Code 25100 *et seq.*

(i) California Hazardous Waste Control Act, Cal. Health and Safety Code 25100 *et seq.*

(j) California Solid Waste Management Regulations, 14 Cal. Adm. Code 17020 *et seq.*

(k) California Hazardous Waste Management Regulations, 22 Cal. Adm. Code 66011 *et seq.*

Copies of the California statutes referred to herein are in the administrative record and are available for review at the place listed above under "ADDRESSES."

The recordkeeping and reporting requirements of the proposed rule are the same as those of the permanent program regulations which have been approved by the Office of Management and Budget under 44 U.S.C. section 3507. Although this rule would contain information and recordkeeping requirements, OSM anticipates less than ten respondents. Under the Paperwork Reduction Act, clearance of information collection forms is required only if ten or more respondents are expected. If in the future the number of respondents appears to be increasing, the proper forms will be submitted to the Office of Management and Budget with accompanying notices in the **Federal Register**, in accordance with the requirements of 44 U.S.C. Chapter 35.

Other Information

OSM has examined these proposed rules according to the criteria of Executive Order 12291 (46 FR 13193, February 19, 1981) and determined that they do not constitute a major rule. There would be no economic impact from adoption of this rule because no substantive revision of regulations is involved as a result of this proposed rulemaking.

OSM has examined these proposed rules pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and determined that they will not have a significant impact on a substantial number of small entities. Separate determinations of effect will be prepared for all revisions of the permanent program rules and would consider the effects on small entities in the State of California.

Section 702(d) of the Act provides that promulgation of a Federal program shall not constitute a major Federal action under the National Environmental Policy Act, 42 U.S.C. 4332. Thus, no Environmental Assessment is required for this rulemaking.

Subjects Affected by Rulemaking

List of Subjects in 30 CFR Part 905

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

Drafting Information

These regulations were drafted by Janice Macpherson, Office of the Solicitor and James M. Kress, Branch of Regulatory Programs, Office of Surface Mining.

Accordingly, OSM proposes to amend 30 CFR Chapter VII by adding Part 905.

Dated: June 29, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

OSM proposes to revise 30 CFR Part 905 to read as follows:

PART 905—CALIFORNIA

Sec.

905.700 General.
905.701 General.
905.707 Exemption for coal extraction incident to Government-financed highway or other construction.
905.761 Areas designated unsuitable for surface coal mining by act of Congress.
905.762 Criteria for designating areas as unsuitable for surface coal mining operations.
905.764 Process for designating areas unsuitable for surface coal mining operations.
905.770 General requirements for permit and exploration procedures.
905.771 General requirements for permits and permit applications.
905.776 General requirements for coal exploration.
905.778 Surface mining permit applications—minimum requirements for legal, financial compliance, and related information.
905.779 Surface mining permit applications—minimum requirements for information on environmental resources.
905.780 Surface mining permit applications—minimum requirements for reclamation and operations plan.
905.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.
905.783 Underground mining permit applications—minimum requirements for information on environmental resources.
905.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.
905.785 Requirements for permits for special categories of mining.
905.786 Reviews, public participation, and approval or disapproval of permit applications and permit terms and conditions.
905.787 Administrative and judicial review of decisions on permit applications.
905.788 Permit review, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.
905.795 Small operator assistance.
905.800 General requirements for bonding of surface coal mining and reclamation operations.
905.815 Performance standards—coal exploration.
905.816 Performance standards—surface mining activities.
905.817 Performance standards—underground mining activities.
905.818 Special performance standards—concurrent surface and underground mining.
905.819 Special performance standards—auger mining.
905.822 Special performance standards—operations in alluvial valley floors.
905.823 Special performance standards—operations on prime farmland.
905.824 Special performance standards—mountaintop removal.
905.826 Special performance standards—operations on steep slopes.
905.827 Special performance standards—coal processing plants and support facilities not located at or near the

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minesite or not within the permit area for a mine.
905.828 Special performance standards—in situ processing.
905.842 Federal inspections.
905.843 Federal enforcement.
905.845 Civil penalties.

Authority: Pub. L. 95–87, The Surface Mining Control and Reclamation Act of 1977, 130 U.S.C. 1201 *et seq.*

§ 905.700 General.

(a) This Part contains all rules that are applicable to surface coal mining operations in California which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

(b) The rules in this part cross-reference pertinent parts of the permanent program regulations in this chapter. The full text of a rule is in the permanent program rule cited under the relevant section of the California Federal program.

(c) The rules in this part apply to all surface coal mining operations in California conducted on non-Federal and non-Indian lands. The rules in Subchapter D of this chapter apply to operations on Federal lands in California.

(d) The information collection requirements contained in this part do not require approval by the Office of Management and Budget under 44 U.S.C. 3507 because there are fewer than ten respondents annually.

(e) The following provisions of California laws provide, in part, for more stringent environmental control and regulation of surface coal mining operations than do the provisions of the Act and the regulations in this chapter. Therefore, pursuant to Section 505(b) of the Act, they shall not be construed to be inconsistent with the Act insofar as they are more stringent.

(1) Cal. Public Resources Code 2710 *et seq.*, the California Surface Mining and Reclamation Act of 1975.

(2) 14 Cal. Adm. Code 3500 *et seq.*, the regulations implementing the California Surface Mining and Reclamation Act.

(3) Cal. Public Resources Code 30000 *et seq.*, California Coastal Act of 1976.

(4) Cal. Public Resources Code 4656, requiring permit for mining in State forests.

(f) The following are California laws that interfere, in part, with the achievement of the purposes and requirements of the Act and are, in accordance with Section 504(g) of the Act, preempted and superseded insofar as they so interfere:

(1) Cal. Labor Code 7990 *et seq.*, which governs licensing of persons using explosives.

(2) Cal. Public Resources Code 2711 *et seq.*, the Surface Mining and Reclamation Act of 1975.

(3) 14 Cal. Adm. Code 3500 *et seq.*, rules implementing California Surface Mining and Reclamation Act.

(4) Cal. Health and Safety Code 25100 *et seq.*, the California Hazardous Waste Control Act.

(5) Hazardous Waste Management Regulations, 22 Cal. Adm. Code 66011 *et seq.*

(6) California Solid Waste Management and Resource Recovery Act of 1972, Cal. Government Code 66700 *et seq.*

(7) California Solid Waste Management Act of 1980, Cal. Government Code 68000 *et seq.*

(8) California Solid Waste Management Regulations, 14 Cal. Adm. Code 17020 *et seq.*

§ 905.701 General.

Sections 700.5, 700.11, 700.12, 700.13, 700.14, 700.15 and Part 701 of this chapter shall apply to surface coal mining operations in California.

§ 905.707 Exemption for coal extraction incident to government-financed highway or other construction.

Part 707 of this chapter, Exemption for Coal Extraction Incidental to Government-Financed Highway or Other Construction, shall apply to surface coal mining and reclamation operations.

§ 905.761 Areas designated unsuitable for surface coal mining by act of Congress.

Part 761 of this chapter, Areas Designated by Act of Congress, shall apply to surface coal mining and reclamation operations.

§ 905.762 Criteria for designating areas as unsuitable for surface coal mining operations.

Part 762 of this chapter, Criteria for Designating Areas Unsuitable for Surface Coal Mining Operations, shall apply to surface coal mine operations.

§ 905.764 Process for designating areas unsuitable for surface coal mining operations.

Part 764 of this chapter, State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations, pertaining to petitioning, initial processing, hearing requirements, decisions, data base and inventory systems, public information, and regulatory responsibilities shall apply to surface coal mine operations beginning one year after the effective date of this program.

§ 905.770 General requirements for permits and exploration procedures.

(a) Part 770 of this chapter, General Requirements for Permit Systems Under State Programs, shall apply to surface coal mining and exploration operations.

(b) No person shall conduct coal exploration which results in the removal of more than 250 tons of coal or shall conduct surface coal mining operations without a permit issued by the Secretary pursuant to 30 CFR Part 770 and permits, leases and/or certificates required by the State of California, including compliance with the California Porter-Cologne Water Quality Act, Cal. Water Code 13000 *et seq.*, the California Water Regulations, 23 Cal. Adm. Code 1050 *et seq.*, the California Coastal Act, Cal. Public Resources Code 3000 *et seq.*, the California Surface Mining and Reclamation Act of 1975, Cal. Public Resources Code 2710 *et seq.*, regulations implementing that Act at 14 Cal. Adm. Code 3500 *et seq.*, the Cal. Public Resources Code 4656 (mining on State forests), the California Solid Waste Management and Resource Recovery Act of 1972, Cal. Government Code 66700 *et seq.*, the California Hazardous Waste Control Act, Cal. Health and Safety Code 25100 *et seq.*, the California Hazardous Waste Control Act, Cal. Health and Safety Code 25100 *et seq.*, the California Solid Waste Management Regulations, 14 Cal. Adm. Code 17020 *et seq.*, and the California Hazardous Waste Management Regulations, 22 Cal. Adm. Code 66011 *et seq.*

§ 905.771 General requirements for permits and permit applications.

(a) Part 771 of this chapter, General Requirements for Permits and Permit Applications, shall apply to any person who applies for a permit to conduct surface coal mine operations.

(b) A person who wishes to conduct new surface coal mining and reclamation operations or who wishes a revision of his permit shall file a complete application at least 12 months prior to the date upon which permit issuance or revision is desired, and shall pay to the Secretary a permit fee in accordance with Section 736.25 of this chapter.

§ 905.776 General requirements for coal exploration.

(a) Part 776 of this chapter, General Requirements for Coal Exploration, shall apply to any person who conducts or seeks to conduct coal exploration operations.

(b) The Office shall make every effort to act on an exploration application within 60 days of receipt or such longer

time as may be reasonable under the circumstances. If additional time is needed, OSM shall notify the applicant that the application is being reviewed, but that more time is necessary to complete such review, setting forth the reasons and the additional time that is needed.

§ 905.778 Surface mining permit application—minimum requirements for legal, financial, compliance and related information.

Part 778 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who applies for a permit to conduct surface coal mining and reclamation operations.

§ 905.779 Surface mining permit applications—minimum requirements for information on environmental resources.

Part 779 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who applies to conduct surface coal mining and reclamation operations.

§ 905.780 Surface mining permit applications—minimum requirements for reclamatioin and operation plan.

Part 780 of this chapter, Surface Mining Permit Applications—Minimum Requirement for Reclamation and Operation Plan, shall apply to any person who applies to conduct surface coal mining and reclamation operations.

§ 905.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.

Part 782 of this chapter, Underground Mining Permit Applications—Minimum requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who applies for a permit to conduct underground mining operations.

§ 905.783 Underground mining permit applications—minimum requirements for information on environmental resources.

Part 783 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who submits an application to conduct underground mining operations.

§ 905.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.

Part 784 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, shall apply to any person who applies to conduct underground mining.

§ 905.785 Requirements for permits for special categories of mining.

Part 785 of this chapter, Requirements for Permits for Special Categories of Mining, shall apply to any person who applies for a permit to conduct certain categories of surface coal mining and reclamation operations.

§ 905.786 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions.

Part 786 of this chapter, Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions, shall apply to the review of applications made by any person for surface coal mining and reclamation operations.

§ 905.787 Administrative and judicial review of decisions on permit applications.

Decisions on permit applications shall be subject to administrative and judicial review in accordance with Part 787 of this chapter and Sections 520, 525 and 526 of the Act.

§ 905.788 Permit reviews, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.

Part 788 of this chapter, Permit Reviews, Revisions, and Renewals, and Transfer, Sale, and Assignment of Rights Granted Under Permits, shall apply to review, revision, and renewal of permits for surface coal mining operations, and to transfer, sale, and assignment of rights granted under permits.

§ 905.795 Small Operator Assistance.

Part 795 of this Chapter, Small Operator Assistance, shall apply to any person applying for assistance under the small operator assistance program.

§ 905.800 General requirements for bonding of surface coal mining and reclamation operations.

Part 800 of this chapter, General Requirements for Bonding of Surface Coal Mining and Reclamation Operations Under Regulatory Programs, shall apply to all surface coal mining and reclamation operations.

§ 905.815 Performance standards—coal exploration.

Part 815 of this chapter, Permanent Program Performance Standards—Coal Exploration, shall apply to any person conducting coal exploration operations.

§ 905.816 Performance standards—surface mining activities.

Part 816 of this chapter, Permanent Program Performance Standards—Surface Mining Activities, shall apply to any person who conducts surface coal mining and reclamation operations.

§ 905.817 Performance standards—underground mining activities.

Part 817 of this chapter, Permanent Program Performance Standards—Underground Mining Activities, shall apply to any person who conducts underground mining operations.

§ 905.818 Special performance standards—concurrent surface and underground mining.

Part 818 of this chapter, Special Permanent Program Performance Standards—Concurrent Surface and Underground Mining, shall apply to any person who conducts combined surface and underground mining operations.

§ 905.819 Special performance standards—auger mining.

Part 819 of this chapter, Special Permanent Program Performance Standards—Auger Mining, shall apply to any person who conducts surface coal mining operations which include auger mining.

§ 905.822 Special performance standards—operations in alluvial valley floors.

Part 822 of this chapter, Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors, shall apply to any person who conducts surface coal mining and reclamation operations on alluvial valley floors.

§ 905.823 Special performance standards—operations on prime farmland.

Part 823 of this chapter, Special Permanent Program Performance Standards—Operations on Prime Farmland, shall apply to any person who conducts surface coal mining and reclamation operations on prime farmlands.

§ 905.824 Special performance standards—mountaintop removal.

Part 824 of this chapter, Special Permanent Program Performance Standards—Mountaintop Removal, shall apply to any person who conducts surface coal mining operations constituting mountaintop removal mining.

§ 905.826 Special performance standards—operations on steep slopes.

Part 826 of this chapter, Special Permanent Program Performance

Standards—Operations on Steep Slopes, shall apply to any person who conducts surface coal mining and reclamation operations on steep slopes.

§ 905.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

Part 827 of this chapter, Special Permanent Program Performance Standards—Coal Processing Plants and Support Facilities Not Located at or Near the Minesite or Not Within the Permit Area for a Mine, shall apply to any person who conducts surface coal mining and reclamation operations which includes the operation of coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

§ 905.828 Special performance standards—in situ processing.

Part 828 of this chapter, Special Permanent Program Performance Standards—In Situ Processing, shall apply to any person who conducts in situ processing activities.

§ 905.842 Federal inspections.

(a) Part 842 of this chapter, Federal inspections, shall apply to all exploration and surface coal mining and reclamation operations.

(b) In addition to the requirements of Part 842, the Secretary will furnish a copy of inspection report or enforcement action taken to the California Mining and Geology Board upon request.

§ 905.843 Federal enforcement.

(a) Part 843 of this chapter, Federal Enforcement, shall apply when enforcement action is required for violations on surface coal mining and reclamation operations.

(b) In addition to the requirements of Part 843, the Office will furnish a copy of any order to show cause to the California Mining and Geology Board upon request.

§ 905.845 Civil penalties.

Part 845 of this chapter, Civil Penalties, shall apply when civil penalties are assessed for violations on surface coal mining and reclamation operations.

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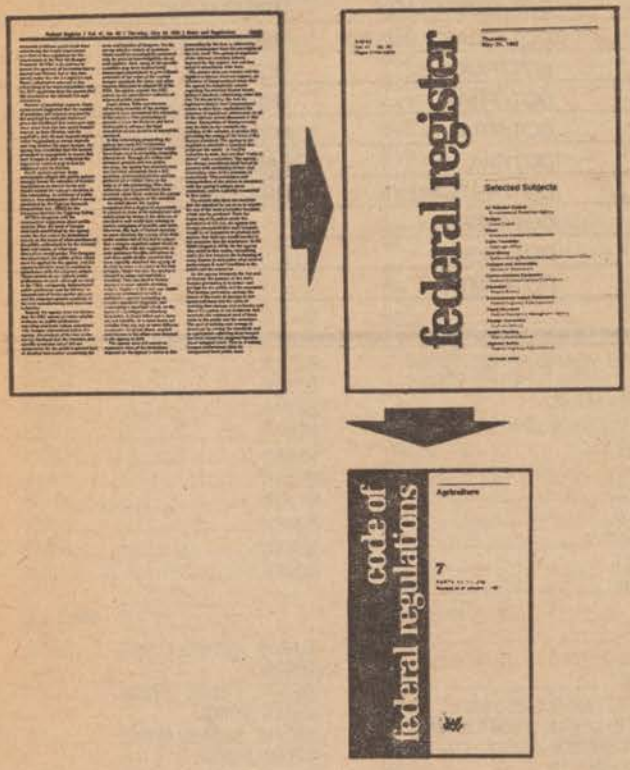
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