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Friday
August 13, 1982

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

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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

Food and Nutrition Service

7 CFR Part 210

National School Lunch Program: Offer Versus Serve

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes local School Food Authorities to extend the "offer versus serve" method of meal service to elementary schools and to allow students below the senior high level to decline either one or two items of the lunch at the discretion of the local School Food Authority. Extension of "offer versus serve" to elementary schools is authorized by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). These provisions are intended to increase local flexibility and reduce costs.

EFFECTIVE DATE: September 13, 1982.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302.

SUPPLEMENTARY INFORMATION:

Classification:

This final rule has been reviewed under Executive Order 12291 and has been classified as not major. This rule is expected to decrease costs by providing School Food Authorities and institutions more flexibility in administering the National School Lunch Program. The rule will not have an annual effect on the economy of $100 million or more nor will it have a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. This action will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or foreign markets.

This rule has also been reviewed with regard to the requirements of Pub. L. 96–354, the Regulatory Flexibility Act. Samuel J. Cornelius, Administrator of the Food and Nutrition Service, has certified that this rule will not have a significant economic impact on a substantial number of small entities.

This final rule does not contain any reporting or recordkeeping provisions which are subject to approval by the Office of Management and Budget (OMB).

Comments Regarding Offer Versus Serve

On March 19, 1982, the Department published a proposed rule (47 FR 11877) revising the offer versus serve provision of the National School Lunch Program regulations. The rule proposed to: (1) Implement the provisions of the Omnibus Budget Reconciliation Act of 1981 that authorize local School Food Authorities to extend to elementary schools the offer versus serve method of meal service; and (2) modify the regulations governing the "offer versus serve" method of meal service with respect to the number of items a child can decline in schools below the senior high level.

Commentors were given 60 days to submit comments on the proposed rule. One hundred and one written comments concerning the proposed rule were received. Fifty-seven percent of the commentors favored the offer versus serve concept, while forty-three percent opposed it.

The majority of the favorable comments were received from schools, school districts, School Food Authorities and State agencies. These commentors believe that offer versus serve is an effective way to reduce plate waste and the cost of operating the lunch program. The supporters also stated that the nutritional value of the lunch will not be reduced by offer versus serve because those children who previously refused to eat certain food items will now instead decline those items or accept only sample taster portions. Also, commentors suggested that offer versus serve would require the children to make decisions, thereby assuming some responsibility for their own nutritional well-being. Furthermore, the supporters favored the flexibility of the proposal that School Food Authorities not be required to implement offer versus serve in schools below the higher school level. This permits School Food Authorities the flexibility of adapting the meal service to community preferences and values.

The majority of the unfavorable comments were received from nutritionists, concerned citizens and industry. The nutritional effect of offer versus serve was of paramount concern to those opposing implementation of the offer versus serve rule. The commentors stated that lunches served under offer versus serve may not fully meet the nutritional needs of school children and the nutritional integrity of school meals may be impaired.

Many commentors also emphasized the need for nutrition education in the classroom, as well as in the lunchroom. This concern was expressed by both opponents and supporters of offer versus serve. Commentors were also concerned about the potential problems in implementing offer versus serve in schools which utilize pre-plate or satellite food service facilities.

The Department realizes that implementing offer versus serve in schools which utilize such systems may be difficult.

If approved by the school food authority, schools below the senior high school level may allow students to decline only one item. This approach should help schools with pre-plated delivery systems strike a compromise between their present delivery systems and the extension of offer versus serve contained in this rule.

The Department intends to give local School Food Authorities flexibility in determining how offer versus serve will operate in grades below the senior high school level. However, School Food Authorities are still required to allow senior high students to decline up to two items. School Food Authorities may establish a policy which allows or requires schools to offer students at all grade levels a smaller portion of any item which they declined.

Conclusion

The Department continues to believe that offer versus serve reduces both program costs and plate waste while maintaining student consumption of a wide variety of nutrients. The goal of the lunch program is still to provide approximately one-third of a student's Recommended Dietary Allowances (RDA), and students are encouraged to choose all five food items, however, offer versus serve allows students to decline food they do not intend to eat. The price to the paying child is not reduced when the child declines food, which is an incentive for the child to choose the five items. The Department continues to encourage schools to promote their lunches and educate children about nutrition so that they will choose and eat all five items. For example, innovative service systems, such as salad bars and family style service, and the offering of choices, which can improve participation and consumption, are encouraged. Students, particularly young students, benefit from the consumption of a wide variety of foods.

The Department continues to require student involvement in the school food service, and particularly in the menu planning process, to insure that menus reflect student preferences. The Department believes that a cooperative effort of parents, students, and school officials will result in menus which reflect student preferences to a degree that most students will choose and consume all five items of the lunch. School officials planning meals are aware that meals served must be nutritious and desirable to maintain student participation.

Final rule

For the reasons discussed above, the Department is finalizing the proposed rule substantially unchanged from the March 19, 1982 proposal. All of the comments received on the proposed rule were carefully considered in making this decision.

List of Subjects in 7 CFR Part 210

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

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Accordingly, § 210.10 of Part 210 of Title 7 CFR is amended by revising paragraph (a)(5) to read as follows:

§ 210.10 Requirements for lunches.

(a) * * *

(5) Each school shall offer its students all five food items of the lunch. Senior high students must be permitted to decline up to two items. Students below the senior high level may be permitted to decline up to two items, or only one item, at the discretion of the local School Food Authority. A student's decision to decline food items or accept smaller portions shall not affect the charge for the lunch. State educational agencies shall define "senior high".

* * * * *

(Sec. 9, Pub. L. 79–396, 60 Stat. 233 (42 U.S.C. 1758(a)); Sec. 811, Pub. L. 97–35, 95 Stat. 521, 535 (42 U.S.C. 1758))

Dated: August 10, 1982.

Mary C. Jarratt,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 82–22034 Filed 8–12–82; 8:45 am]

BILLING CODE 3410–30–M

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7 CFR Parts 271, 272, 273, 274 and 278

[Amdt. No. 221]

Food Stamp Program: Nondiscretionary Fraud, Waste, Abuse and Simplification Provisions

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rulemaking.

SUMMARY: This final rule implements nondiscretionary provisions of the Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97–98), enacted on December 22, 1981. This law, known as the Farm Bill, amends the Food Stamp Act of 1977. The provisions addressed in this document are: (1) Eliminating 60-day continued eligibility for households that move; (2) informing applicants of verification requirements and penalties; (3) changing nutrition education requirements; (4) setting minimum mandatory court sentences for criminal offenses; (5) codifying current FNS policy disallowing deductions for expenses paid with vendor payments and disallowing an income exclusion of work-related child-care adjustments issued under title IV–A of the Social Security Act; and (6) eliminating the requirement for the Secretary to establish nationwide staffing standards. Some of these provisions reflect current program policy and were codified into law mainly to protect program integrity. The remaining provisions will curtail fraud, waste and abuse or simplify program administration.

DATE: This final rule shall be effective on September 13, 1982.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connor, Supervisor, Policy and Regulations Section, Program Standards Branch, Program Development Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, telephone (703) 756–3429.

SUPPLEMENTARY INFORMATION:

Classification

This final action has been reviewed in relation to the requirements of Executive Order 12291, and it has been determined that this action is not a major rule as defined by that Order. It will not result in an annual effect on the economy of $100 million or more. Most of the provisions in this rule will have no measurable cost impact. The provision eliminating the current policy of allowing certification to continue for 60 days when a household moves from one project area to another simplifies State agency administration and will result in minimal savings. The provision which adds language to the application form will result in a minimal cost as the application form will have to be revised and redistributed. This cost may be offset by the combined deterrent effect of warning potential applicants of the penalties for program abuse and mandatory sentences for multiple offenders. This rule is not likely to result in a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. Because this rule will not affect the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Department of Agriculture has determined, in accordance with 5 U.S.C. 553(b)(1)(B), that, since these provisions are nondiscretionary, good cause exists that notice of proposed rulemaking and public comment procedures prior to the effective date of this rule are impracticable and unnecessary. Consequently, the Department is issuing this final as a rule.

This rule has also been reviewed with regard to the requirements of Pub. L. 96–354, the Regulatory Flexibility Act. The Administrator of the Food and Nutrition Service has determined that the rule will not have a significant economic impact on a substantial number of small entities. The rule has no impact whatsoever on small businesses or small organizations. The primary impact is on State governments, individual recipients, and county governments to

the extent that they operate the Food Stamp Program within States.

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 #5840064.

Introduction

Congress enacted the Food Stamp and Commodity Distribution Amendments of 1981 as part of a continuing effort to curb Federal expenditures and reduce fraud, waste and abuse. The several nondiscretionary provisions in the amendments reflect this concern as well as a concern with simplifying program administration. Some of these provisions codify into law current regulatory policy; others require minor changes in the regulations.

Minimum Mandatory Court Sentences

The Farm Bill provision establishing minimum mandatory court sentences for criminal offenses, section 1324, expands the current language of section 15 the Food Stamp Act to specify court sentences for a second and any subsequent convictions. The provision also includes authority for the court to assign the individual to a work restitution program. Finally, the provision includes language which allows the court to suspend individuals convicted of a felony or misdemeanor violation from participation in the program for an additional period of up to 18 months consecutive to the period of suspension mandated by section 6(b)(1) of the Food Stamp Act of 1977, as amended. The new language is quoted in this final rule (§ 271.5(b)).

Notice of Verification

Section 1317 of the Farm Bill requires that applicants for food stamps be informed, on the application, of verification requirements and the penalties for knowingly providing incorrect information. This will necessitate a change in the application form. This rule adds this requirement to the current regulations (§ 273.2(b)).

Reimbursement Exclusion

Another provision in the Farm Bill specifies that certain portions of some title IV–A payments (Aid to Families with Dependent Children (AFDC) payments) issued under the Social Security Act are not allowable reimbursement payments subject to an income exclusion. Section 1305 provides that adjustments made to AFDC payments because of work-related or child care expenses cannot be treated as "reimbursements" for such expenses and excluded from being counted as income for food stamp purposes. It has always been Food Stamp Program policy that AFDC income deductions are not reimbursements and a Notice to this effect (Policy Interpretation Notice 80–7) was issued on December 22, 1980 (45 FR 84839). This policy will now be clarified in the regulations (§ 273.9(c)(5)).

Sixty-Day Transfer of Certification

Section 1316 of the Farm Bill eliminates the requirement for a sixty-day transfer of household benefits from one project area to another. Frequently, income and resources change drastically when a household relocates. As a result, the sixty-day transfer does not accurately assess the household's eligibility or allotment level because it does not reflect the changes in resources or income. The transfer form entails administrative costs because it is an accountable document requiring control and security. It also presents an opportunity for fraud or abuse, as it could be altered while in the household's possession. In addition, as a result of the expedited service provision, the 60-day continuation policy is not heavily used. Elimination of the transfer will reduce administrative expense, reduce the potential for abuse, and result in the relocating households' situations being accurately reflected at certification. This rule deletes the entire section concerning the sixty-day transfer (§ 273.19) and all references to form FNS–286, "Certification of Transfer of Household Benefits" (§§ 272.1(f) and 274.7(c)).

Staffing Standards

Section 1325 of the Farm Bill amends the Food Stamp Act of 1977 to delete the requirement that the Secretary set staffing standards for the State agencies. Currently, the regulations contain a general standard which requires State agencies to employ sufficient staff to timely certify and issue benefits accurately and process fair hearing requests (§ 272.4(b)). All language relative to staffing currently in the regulations is being deleted but State agencies are expected to ensure that all timeliness standards relative to certification, issuance and the fair hearing process are met.

Miscellaneous Farm Bill Provisions Not Requiring Changes in Regulation

There are two provisions in the Farm Bill which require no regulatory changes but which the Department would like to highlight for informational purposes. Section 1307 of the Farm Bill clarifies that a household is not entitled to receive deductions from gross income for expenses that are paid on the household's behalf by a third party, i.e., vendor payments. This provision codifies the policy which is in current food stamp regulations (§ 273.10(d)(1)(i)).

There is a provision in the Farm Bill which deletes the statutory requirement that the Secretary extend the Extension Service's Expanded Food and Nutrition Education Program (EFNEP) to reach food stamp participants. Section 1322 authorizes the Secretary to extend food and nutrition education programs to participants using methods and techniques developed under EFNEP and other programs. This provides the Secretary with the flexibility necessary to determine where and how such programs may best be used. Current regulations authorize State agencies to implement nutrition education plans and no regulatory change is necessary to implement the Farm Bill provision (§ 272.2(d)).

Implementation

The provisions in this rule, excluding the provision requiring a notice of verification on the application form, shall be implemented the first of the month 30 days from the date of publication. These changes can be implemented simply on a case-by-case basis as these various situations occur. The provision which requires a notice of verification on the application form shall be implemented on or before the first day of the month beginning at least 90 days from the date of publication. The Department recognizes that State agencies will want to use their existing supplies of application forms before printing new ones. Consequently, to ensure that applicants are notified of this requirement the Department is allowing State agencies which are not ready to change their application forms for several months to implement this provision by means of an insert to the application. The Department will provide State agencies with camera ready copies of the new application shortly after publication of this rule.

List of Subjects

7 CFR Part 271

Administrative practice and procedure, Food stamps, Grant programs—social programs.

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Adminstrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs—social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

7 CFR Part 274

Administrative practice and procedure, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 278

Administrative practice and procedure, Banks, Banking, Claims, Food stamps, Groceries—retail, Groceries, General line—wholesaler, Penalties.

Therefore, Parts 271, 272, 273, 274 and 278 are amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

1. In § 271.5, paragraph (b) is revised to read as follows:

§ 271.5 Coupons as obligations of the United States, crimes and offenses.

* * * * *

(b) *Penalties.* Any unauthorized issuance, use, transfer, acquisition, alteration, possession, or presentation of coupons or ATP's may subject an individual, partnership, corporation, or other legal entity to prosecution under sections 15(b) and (c) of the Food Stamp Act or under any other applicable Federal, State or local law, regulation or ordinance. Sections 15(b) and (c) of the Food Stamp Act read as follows:

(b)(1) Subject to the provisions of paragraph (b)(2) of this section, whoever knowingly uses, transfers, acquires, alters, or possesses coupons or authorization cards in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons or authorization cards are of a value of $100 or more, be guilty of a felony and shall, upon the first conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned for not less than six months nor more than five years and may also be fined not more than $10,000 or, if such coupons or authorization cards are of a value of less than $100, shall be guilty of a misdemeanor, and, upon the first conviction thereof, shall be fined not more than $1,000 or imprisoned for not more than one year, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned for not more than one year and may also be fined not more than $1,000. In addition to such penalties, any persons convicted of a felony or misdemeanor violation under this subsection may be suspended by the court from participation in the food stamp program for an additional period of up to eighteen months consecutive to that period of suspension mandated by section 6(b)(1) of this Act.

(b)(2) In the case of any individual convicted of an offense under paragraph (b)(1) of this section, the court may permit such individual to perform work approved by the court for the purpose of providing restitution for losses incurred by the United States and the State agency as a result of the offense for which such individual was convicted. If the court permits such individual to perform such work and such individual agrees thereto, the court shall withhold the imposition of the sentence on the condition that such individual perform the assigned work. Upon the successful completion of the assigned work the court may suspend such sentence.

(c) Whoever presents, or causes to be presented, coupons for payment or redemption of the value of $100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Act or the regulations issued pursuant to this Act, shall be guilty of a felony and, upon the first conviction thereof, shall be fined not more than $10,000 or imprisoned for not more than five years, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not less than one year nor more than five years and may also be fined not more than $10,000, or if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and, upon the first conviction thereof, shall be fined not more than $1,000 or imprisoned for not more than one year, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not more than one year and may also be fined not more than $1,000. In addition to such penalties, any persons convicted of a felony or misdemeanor violation under this subsection may be suspended by the court from participation in the food stamp program for an additional period of up to eighteen months consecutive to that period of suspension mandated by section 6(b)(1) of this Act.

* * * * *

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. In § 272.1, paragraph (f) is amended by removing the reference to form FNS-286, "Certification of Transfer of Household Benefits", and a new paragraph (44) is added to paragraph (g) as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(44) Amendment 221. State agencies shall implement on a case by case basis the provisions of this rule, excluding the provision which revises the application form, beginning the first of the month 30 days from the date of publication. The provision requiring a notice of verification on the application form shall be implemented on or before the first day of the month beginning at least 90 days from the date of publication. If the State agency has not depleted its existing supply of application forms, the State agency may opt to implement this provision by providing an insert to the application form containing the notice of verification.

§ 272.4 [Amended]

3. In § 272.4, paragraph (b) is removed and paragraphs (c) through (f) are redesignated (b) through (e), respectively.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

4. In § 273.2, paragraph (b) is revised to read as follows:

§ 273.2 Application processing.

* * * * *

(b) *Food stamp application form.* All State agencies shall use an application form designed by FNS. FNS may approve a deviation from that form to accommodate the use of a combined PA/food stamp application form, the requirements of a computer system, or other exigencies for which the State agency can submit adequate justification, provided the form is understandable to applicants and easy to complete. Each application form shall contain, in prominent and boldface lettering and understandable terms, (1) a statement that the information provided by the applicant in connection with the application for a coupon allotment will be subject to verification by Federal, State, and local officials to determine if such information is factual and that if any material part of such information is incorrect, food stamps may be denied to the applicant, and that the applicant may be subject to criminal prosecution for knowingly providing incorrect information, and (2) a description of the civil and criminal provisions and

penalties for violations of the Food Stamp Act.

* * * * *

5. In § 273.9, a new sentence is added to introductory paragraph (c)(5) between the first sentence and the second sentence of the paragraph to read as follows:

§ 273.9 Income and deductions.

* * * * *

(c) *Income exclusions.* * * *

(5) * * * No portion of benefits provided under title IV–A of the Social Security Act, to the extent such benefit is attributed to an adjustment for work-related or child care expenses, shall be considered excludable under this provision. * * *

§ 273.19 [Removed]

6. The language of § 273.19 is removed in its entirety and the section number is reserved for future use.

PART 274—ISSUANCE AND USE OF FOOD COUPONS

§ 274.7 [Amended]

7. In § 274.7(c) the reference to form FNS–286 is removed.

PART 278—PARTICIPATION OF RETAIL FOOD STORE, WHOLESALE FOOD CONCERNS AND BANKS

8. In § 278.1, paragraph (n) is revised to read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns.

* * * * *

(n) *Safeguarding privacy.* The contents of applications or other information furnished by firms, including information on their gross sales and food sales volumes and their redemptions of coupons, may not be used or disclosed to anyone except for purposes directly connected with the administration and enforcement of the Food Stamp Act and these regulations. Such purposes shall not exclude the audit and examination of such information by the Comptroller General of the United States authorized by any other provision of law.

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Program No. 10.551 Food Stamps)

Dated: August 5, 1982.

Robert E. Leard,

Associate Administrator.

[FR Doc. 82–21754 Filed 8–12–82; 8:45 am]

BILLING CODE 3410–30–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 372]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period of August 15–21, 1982. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: August 15, 1982.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon 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. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on August 10, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is similar to last week.

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

List of Subjects in 7 CFR Part 910

Agricultural marketing service, Marketing agreements and orders, California, Arizona, Lemons.

Section 910.672 is added as follows:

§ 910.672 Lemon Regulation 372.

The quantity of lemons grown in California and Arizona which may be handled during the period August 15, 1982, through August 21, 1982, is established at 225,869 cartons.

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

Dated: August 12, 1982.

D. S. Kuryloski,

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

[FR Doc. 82–22301 Filed 8–12–82; 11:23 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1434

Honey Price Support Regulations Governing 1982 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: Except for technical changes the interim rule published in the **Federal Register** on March 29, 1982, (47 FR 13120) is adopted as a final rule. The interim rule revised the regulations at 7 CFR Part 1434 to: (1) Include availability requirements for honey producers; (2) change the final availability date for the filing of a purchase agreement; (3) change the loan maturity date; (4)

include sunflower as an acceptable floral source for table honey; and (5) conform certain provisions of these regulations to the General Price Support Regulations found at 7 CFR Part 1421.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–7641. A Final Regulatory Impact Analysis is available upon request from the above named individual.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." The provisions of this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this final rule applies are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance. This final rule will not have a significant impact specifically on area and community development. Therefore, a review as established by Office of Management and Budget Circular A–95, was not used to assure that units of local government are informed of this action.

It has determined that the Regulatory Flexibility Act is not applicable to this final rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

On March 29, 1982, an interim rule was published in the **Federal Register** (47 FR 13120) revising the regulations at 7 CFR Part 1434. The public was afforded 60 days to comment on the interim rule. One comment was received during the comment period. The commenter recommended that 5-gallon plastic pails be authorized instead of the 5-gallon metal cans and that maximum moisture be increased from 18.5 percent to 20 percent to conform to the moisture limits included in grading standards proposed by the Agricultural Marketing Service. The recommendation to authorize 5-gallon plastic pails has not been adopted because of the lack of evidence that plastic pails will withstand stacking for prolonged periods without damage.

Also, the recommendation that maximum moisture be increased to 20 percent has not been adopted because experience has shown that high moisture honey placed under loan tends to ferment when the temperature increases in spring and early summer. Therefore, the interim rule published on March 29, 1982, is adopted as a final rule, except for the following technical corrections: (1) A new sentence has been added to § 1434.16; (b)(2); (2) certain language previously omitted has been added to § 1434.21; (3) in § 1434.28, a sentence has been transposed from paragraph (b)(2) to paragraph (b)(1); and typographical corrections have been made.

List of Subjects in 7 CFR Part 1434

Honey, Loan programs, Agriculture, Price support programs and warehouses.

Final Rule

PART 1434—HONEY

Accordingly, the General Regulations Governing Honey Price Support for 1982 and Subsequent Crops in this Part 1434 are revised as stated herein for the 1982 and subsequent crops of honey. The material previously appearing in this subpart remains in full force and effect as to the crops to which it was applicable. Regulations in 7 CFR 1434.1 through 1434.35 and the title of the subpart are amended to read as follows:

Subpart—Honey Price Support Regulations Governing 1982 and Subsequent Crops

Sec.

1434.1 General statement.
1434.2 Administration.
1434.3 Eligible producers.
1434.4 Eligibility requirements.
1434.5 Miscellaneous requirements.
1434.6 Availability, disbursement, maturity, and expiration loans.
1434.7 Eligible honey.
1434.8 Ineligible honey.
1434.9 Approved storage.
1434.10 Warehouse receipts.
1434.11 Warehouse charges and packaging.
1434.12 Applicable forms.
1434.13 Liens.
1434.14 Fees and charges.
1434.15 Setoffs.
1434.16 Determination of quantity.
1434.17 Determination of quality.
1434.18 Interest rate and late payment charge.
1434.19 Transfer of producer's interest prohibited.
1434.20 Insurance.
1434.21 Loss or damage.
1434.22 Personal liability of the producer.
1434.23 Quantity for warehouse storage loan.
1434.24 Quantity for farm storage loan.
1434.25 Release of the honey under loan.
1434.26 Liquidation of farm storage loans.
1434.27 Liquidation of warehouse storage loans.
1434.28 Purchases from producers.
1434.29 Settlement.
1434.30 Foreclosure.
1434.31 Charges not to be assumed by CCC.
1434.32 Handling payments and collections not exceeding $3.
1434.33 Death, incompetency, or disappearance.
1434.34 Definitions.
1434.35 Kansas City Commodity Office and Management Field Office.

Authority: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); Sec. 5, 62 Stat. 1072 (15 U.S.C. 714c); secs. 201, 401, 63 Stat. 1052, 1054 (7 U.S.C. 1446, 1421).

§ 1434.1 General Statement.

This subpart contains the regulations which set forth the requirements with respect to price support for the 1982 and each subsequent crop of extracted honey for which a price support program is authorized. Price support will be made available through loans on and purchases of eligible honey. Farm storage loans will be evidenced by notes and secured by security agreements. In certain cases, chattel mortgages or financing statements will be filed. Warehouse storage loans will be evidenced by notes and security agreements and secured by the pledge of warehouse receipts representing eligible honey in approved warehouse storage. The producer may also sell to the Commodity Credit Corporation any or all of the producer's eligible honey which is not security for a price support loan by delivering the honey to the Corporation. As used in this subpart, "CCC" means the Commodity Credit Corporation and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

§ 1434.2 Administration.

(a) *Responsibility.* The Cotton, Grain, and Rice Price Support Division, ASCS, will administer the regulations in this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, ASCS, in accordance with program provisions and policy determined by the CCC Board of Directors and the Executive Vice President, CCC. In the field the regulations in this subpart will be administered by State and county Agricultural Stabilization and Conservation committees (hereinafter called State and county committees), the

Kansas City ASCS Commodity Office, and the ASCS Management Field Office.

(b) *Documents.* Any member of the county committee, the county executive director, or other employee of the county ASCS office (hereinafter called "county office") designated in writing by the county executive director to act in the county executive director's behalf (such delegation to be filed in the county office) is authorized to approve documents under this program, except where otherwise specified in the regulations in this subpart. These authorized individuals may also execute releases or otherwise obtain the release of record of financing statements and chattel mortgages filed by CCC to protect security in agricultural loan commodities upon payment in full of the loan involved. Such individuals may execute indemnity agreements on behalf of CCC where any county recording officer deems such indemnity agreement necessary to releasing a mortgage or security agreement of record.

(c) *Limitation of authority.* The authority conferred by this subpart to administer the honey price support program does not include authority to modify or waive any of the provisions of this subpart.

(d) *State committee.* The State committee may take any action which is authorized or required by this subpart to be taken by the county committee, but which has not been taken by such committee. The State committee may also: (1) Correct or require a county committee to correct any action which was taken by such county committee, but which is not in accordance with this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with this subpart.

(e) *Executive Vice President, CCC.* No delegation of authority herein shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under this subpart or from reversing or modifying any determination made pursuant to a delegation of authority in this subpart.

§ 1434.3 Eligible producers.

(a) *Producer.* An eligible producer shall be a person (i.e., an individual, partnership, association, corporation, estate, trust, or other legal entity) who extracts honey produced by bees owned by the producer.

(b) *Estates and trusts.* A receiver or trustee of an insolvent or bankrupt debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate or a ward of an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent or bankrupt debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person or estate represented by the executor or administrator. Loan or purchase documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if the minor meets one of the following requirements:

(1) The right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and the applicable price support documents are signed by the guardian;

(3) Any note signed by the minor is cosigned by a financially responsible person; or

(4) A bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had the minor been an adult.

(d) *Approved cooperative.* A cooperative marketing association which is approved by the Executive Vice President, CCC, pursuant to Part 1425 of this chapter, to obtain price support on a crop of extracted honey may obtain price support on the eligible production of such crop of the honey on behalf of its members. The term "producer" as used in this subpart and on applicable price support forms shall refer both to an eligible producer as defined in paragraphs (a), (b), and (c) of this section and to such an approved cooperative marketing association.

(e) *Approval by county committee.* A producer may be denied price support on farm-stored honey if the producer has:

(1) Been convicted of a criminal act;

(2) Made a false misrepresentation in connection with any price support program;

(3) Made unlawful disposition of any loan collateral; or

(4) Caused the county committee difficulty in settling a loan due to failure to comply with the terms and conditions set forth in the note and security agreement or other instrument used in obtaining price support.

The county committee may deny price support to such producer until it is satisfied that CCC will be fully protected against any possible loss other than loss assumed by CCC under the regulations in this subpart.

(f) *Joint loans.*— (1) *Farm storage.* Two or more eligible producers may obtain a joint loan on eligible honey produced and extracted by them if such honey is stored in the same farm storage facility. However, in lieu of obtaining a joint loan, each producer may obtain an individual loan on that producer's share of the honey stored in separate containers if such producer obtains an agreement from the other producers having honey stored in the facility stating that they are aware that a portion of the honey in the storage facility is being placed under price support loan and they will obtain permission from the county office before removing any honey from the facility.

(2) *Warehouse storage.* Two or more producers may obtain a warehouse storage loan if the warehouse receipt is issued jointly to such producers. Each producer who is a party to a joint loan will be jointly and severally responsible and liable for the breach of the obligations set forth in the loan documents and in the applicable regulations in this subpart.

(g) *Warehouse storage loans to warehousemen.* Except as provided in § 1434.10, warehouse storage loans may be made to a warehouseman who tenders to CCC, in the capacity as a producer, warehouse receipts issued by the warehouseman on honey produced and extracted by the warehouseman where the issuance and pledge of such warehouse receipts is permitted under State law.

§ 1434.4 Eligibility requirements.

(a) *Requesting price support.* In order to obtain price support on eligible honey, a producer must request a price support loan or notify the county office of an intention to sell honey by delivering a completed Purchase Agreement (Form CCC–614), no later than January 31 of the year following the year in which the honey was produced and extracted.

(b) *Beneficial interest.* To be eligible for price support, the beneficial interest in the honey must be in the producer tendering the honey as security for a loan or for purchase and must always have been in the producer or in such producer and a former producer whom the producer succeeded before such honey was extracted. However, heirs shall be eligible for price support as producers whether such succession occurs before or after extraction of honey, if such heirs:

(1) Succeed to the beneficial interest of a deceased producer;

(2) Assume the decedent's obligation under a loan if a loan has already been obtained; and

(3) Assure continued safe storage of the honey if such honey has been placed under farm storage loan.

A producer shall not be considered to have divested the beneficial interest in the honey if the producer enters into a contract to sell or gives an option to buy the honey and, under such contract or option, the producer retains control, risk of loss, and title to the honey. Honey purchased by a producer shall not be eligible for price support, except in the case of heirs of a deceased producer. If price support is made available through an approved cooperative marketing association, the beneficial interest in the honey must always have been in the producer-members who delivered the honey to the approved cooperative or its member cooperatives or must always have been in them and former producers whom they succeeded before the honey was extracted. Honey so delivered to a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the honey to the cooperative or its member cooperatives do not retain the right to share in the proceeds from the marketing of the honey as provided in Part 1425 of this chapter.

(c) *Succession of interest.* To meet the requirements of succession to the beneficial interest of a former or deceased producer under paragraph (b) of this section, the rights, responsibilities, and interest of the former producer with respect to the ownership of the bees which produced the honey shall have been substantially assumed by the person claiming succession. Mere purchase or inheritance of the honey before extraction without acquisition of any additional interest in the production unit shall not constitute succession to such beneficial interest.

(d) *Doubtful cases.* Any producer or cooperative in doubt as to whether the beneficial interest in the honey complies with the requirements of this section shall, before requesting price support, make available to the county committee all pertinent information which will permit a determination with respect to the beneficial interest to be made by CCC.

(e) *Redeemed loan collateral.* Before the final availability date, a producer may reoffer as security or repledge as collateral for a new loan any honey that has been previously so mortgaged or pledged.

§ 1434.5 Miscellaneous requirements.

(a) *Security.* The county office shall file or record, as required by State law, all security agreements which cover honey under loan and stored on leased premises. The cost of filing and recording shall be for the account of CCC.

(b) *Revenue stamps.* Farm Storage Note and Security Agreements, and Warehouse Storage Note and Security Agreements must have State and documentary revenue stamps affixed thereto where required by law.

(c) *Restrictions in use of agents.* A producer shall not delegate to any person (or the person's representative) who has any interest in storing, processing, or merchandising honey which is otherwise eligible for price support under a program to which this subpart is applicable authority to exercise, on the behalf of the producer, any of the producer's rights or privileges under such program, including the authority to execute any note and security agreement or other price support document, unless the person (or the person's respresentative) to whom authority is delegated, is serving in the capacity of a farm manager for the producer.

§ 1434.6 Availability, disbursement, maturity, and expiration of loans.

(a) *Where to request price support.* A producer shall request price support on farm-stored honey at the county office of the county where the honey is stored. A producer shall request price support on warehouse-stored honey at the county office of the county where the warehouse is located or at the county office of the county where the beekeeper is headquartered. An approved cooperative marketing association must request price support at the county office for the county in which the principal office of the cooperative is located unless the State committee designates some other county office. In the case of an approved cooperative marketing association having operations in two or more States, requests may be made at the county office for the county in which its principal office for each such State is located.

(b) *Availability, maturity, and expiration dates.* Price support loans and purchase agreements are available to producers as soon as the loan and purchase rates are announced but not earlier than April 1 of the year in which the honey is produced and extracted and not later than January 31 of the year following the year in which the honey is produced and extracted. However, whenever the final date of availability falls on a nonworkday for county offices, the applicable final date shall be extended to include the next workday. Purchase agreements expire and price support loans mature on demand but not later than April 30 of the year following the year in which the honey is produced and extracted. However, when the final date of expiration or maturity falls on a nonworkday for county offices the applicable final date shall be extended to include the next workday.

(c) *Disbursement of loans.* Disbursement of loans will be made by county offices by drafts drawn on the account of CCC or by credit to the producer's account, except that loans may be disbursed by approved servicing banks to approved cooperative marketing associations. The loan documents shall not be presented for disbursement unless the honey covered by the mortgage or pledge is in existence, has been extracted and is in approved storage. If the honey was not either in existence, extracted, or in approved storage at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

§ 1434.7 Eligible honey.

Honey must meet the requirements of this section in addition to other applicable eligibility requirements of this subpart in order to be eligible for a loan or for delivery under a loan or purchase. Honey described in § 1434.8 is not eligible for price support.

(a) *Production.* The honey must have been produced in the United States by an eligible producer during the calendar year for which price support is requested and extracted on or before December 31 of such calendar year.

(b) *Floral source.* Honey from the floral sources listed below and honey having similar flavor shall be eligible for price support and shall be classed as follows:

(1) *Table honey.* Table honey means honey having a good flavor of the predominant floral source which can be readily marketed for table use in all parts of the country. Such sources include alfalfa, bird's-foot trefoil, blackberry, brazil brush, catsclaw, clover, cotton, fireweed, gallberry, huajillo, knapweed (American), lima bean, mesquite, orange, raspberry, sage, saw palmetto, sourwood, soybean, star thistle (barnaby's thistle), sunflower, sweet clover, tupelo, vetch, western wild buckwheat, wild alfalfa, and similar mild flavors or blends of mild-flavored honeys as determined by the Director, Cotton, Grain, and Rice Price Support Division, ASCS.

(2) *Nontable honey.* Nontable honey means honey having a predominant flavor of limited acceptability for table use but which may be considered suitable for table use in areas in which it is produced. Such honeys include those with a predominant flavor of aster, athel, avocado, Brazilian pepper, buckwheat (except western wild buckwheat), cabbage palmetto, Chinese tallow, dandelion, eucalyptus, goldenrod, heartsease (smartweed), horsemint, kiawe, macadamia, mangrove, manzanita, mint, partridge pea, rattan vine, safflower, salt cedar (Tamarix Gallica) spanish needle, spikeweed, titi, toyon, tulip-poplar, wild cherry, and similarly-flavored honey or blends of such honeys as determined by the Director, Cotton, Grain, and Rice Price Support Division, ASCS.

(c) *Containers.* The honey must be packed in metal containers of a capacity of not less than 5 gallons or greater than 70 gallons. All containers shall meet the requirements of the Federal Food, Drug, and Cosmetic Act, as amended, and regulations issued thereunder.

(1) *Five-gallon.* The 5-gallon containers must hold approximately 60 pounds of honey and shall be new, clean, sound, uncased, and free from appreciable dents and rust. The handle of each container must be firm and strong enough to permit carrying the filled container. The cover and can opening must not be damaged in any way that will prevent a tight seal. Cans which are punctured or have been punctured and resealed by soldering will not be acceptable.

(2) *Steel drums.* Steel drums must be open-end type and filled up to but no closer than 4 inches from the top of the drums. In addition, such drums must be new or must be used drums which have been reconditioned inside and outside. They must be clean, treated to prevent rusting, and fitted with gaskets which provide a tight seal.

(d) *Moisture requirements for loans.* To be eligible for a warehouse storage loan, honey must not contain in excess of 18.5 percent moisture.

§ 1434.8 Ineligible honey.

(a) *Floral source.* Honey from the following floral sources is not eligible for price support regardless of whether it meets other eligibility requirements: Andromeda, bitterweed, broomweed, cajeput (melaleuca), chinquapin, dog fennel, dessert hollyhock, gumweed, mescal, onion, prickly pear, prune, queen's delight, rabit brush, snowbrush (Ceanothus), snow-on-the-mountain, tarweed, and similar objectionably-flavored honey or blends of honey as determined by the Director, Cotton, Grain, and Rice Price Support Division, ASCS. If any blends of honey contain such ineligible honey, the lot as a whole shall be considered ineligible for loan or delivery for purchase.

(b) *Contamination or poisonous substances.* Honey which is contaminated or which contains chemicals or other substances poisonous to humans or animals is not eligible for price support.

(c) *Containers.* Honey packed in steel drums which have removable liners of polyethylene or other materials or honey stored in bung-type drums or in bulk tanks is not eligible for price support regardless of whether it meets other eligibility requirements.

§ 1434.9 Approved storage.

(a) *Loans.* Loans will be made only on honey in approved storage as defined in this section.

(1) *Farm storage.* Approved farm storage shall consist of a storage structure located on or off the farm (excluding public or commercial warehouses) which is determined by the county committee to be under the control of the producer and to afford safe storage for homey. Producers may also obtain loans on honey packed in eligible containers and stored on leased space in facilities owned by third parties in which the honey of more than one person is stored if the honey which is to be placed under loan and which is stored on such leased space is segregated from all other honey. Each container of the segregated quantity of honey shall be marked with the producer's name and lot number so as to identify the honey from other honey stored in the structure. If the honey which is to be pledged as collateral for a price support loan is stored on leased space, a copy of the lease shall be obtained by the county office before a loan is made. The lease shall authorize the producer and any person having an interest in the honey to enter on the premises to inspect and examine the honey and shall permit a reasonable time to such persons to remove the honey from the premises upon the termination of the lease.

(2) *Warehouse storage.* Approved warehouse storage or an approved warehouse shall consist of (i) a public warehouse for which a CCC Honey Storage Agreement is in effect and which is approved for price support purposes or (ii) a warehouse operated by an approved cooperative as defined in § 1434.3(d) and licensed to store honey under the United States Warehouse Act.

(b) *Segregation of loan collateral.* If the honey located in a storage structure is pledged as collateral that secures more than one loan, the honey must be segregated so as to preserve the identity of the honey securing each such loan. Honey securing a loan must also be segregated from any honey not pledged as collateral for a price support loan which is stored in the same structure.

§ 1434.10 Warehouse receipts.

(a) *General.* Warehouse receipts representing honey to be placed under a warehouse storage loan, delivered in satisfaction of a farm storage loan, or delivered in accordance with purchase agreements must meet the requirements of this section, any other requirements contained in the regulations in this subpart, and in any notice in the **Federal Register** pertaining thereto. A separate warehouse receipt must be submitted for each class, color, floral source, quality, and grade of honey.

(b) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the eligible producer or CCC. If issued in the name of the eligible producer, the receipts must be properly endorsed in blank so as to vest title in the holder. Receipts must be issued by an approved warehouse and indicate that the honey is stored identity preserved in eligible containers. The receipts must be negotiable, must cover eligible honey actually in storage in the warehouse, and must be registered or recorded with appropriate State or local officials when required by State law.

(c) *Entries.* Each warehouse receipt or extracted honey inspection and weight certificate properly identified with the warehouse receipt must be issued in accordance with the Honey Storage Agreement or United States Warehouse Act, if applicable, and must show the following information:

(1) That the honey is stored identity preserved in containers;

(2) Number of containers;

(3) Size of containers;

(4) Gross weight;

(5) Net weight;

(6) Lot number;

(7) Average moisture for quantity represented by the receipt; and

(8) Class, color, floral source, and grade.

(d) *Extracted honey inspection and weight certificate.* When an extracted honey inspection and weight certificate is issued, it must show the following additional information:

(1) Warehouse receipt number;

(2) Lot number;

(3) Number and size of containers;

(4) Class, color, floral source, and grade; and

(5) Net weight.

(e) *Where warehouseman is also owner.* If the warehouse receipt is issued for honey which is owned by the warehouseman either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. In States where the pledge of warehouse receipts issued by a warehouseman on the warehouseman's honey is invalid under State law, the warehouseman may offer the honey to CCC for loan or purchase if such warehouse is licensed and operating under the United States Warehouse Act. In such States, if the warehouseman is not licensed and operating under the U.S. Warehouse Act, the warehouseman may deliver the honey to CCC for purchase if the warehouse receipt is issued in the name of CCC.

(f) *Insurance.* Each warehouse receipt representing honey stored in an approved warehouse which has a honey storage agreement with CCC shall indicate that the honey is insured in accordance with such agreement.

§ 1434.11 Warehouse charges.

Before the honey is placed under warehouse storage loan or acquired by purchase by CCC, the producer shall arrange for payment of storage, inspection, and all other charges (except receiving and loading-out charges in the warehouse in which the honey is acquired by CCC) accruing through the loan maturity date for the honey. Such charges shall include charges incident to weight and grade determinations on identity-preserved honey. CCC will not assume warehouse storage charges accruing through the loan maturity date for loans on honey acquired by CCC.

§ 1434.12 Applicable forms.

The forms for use in connection with this program shall be as follows: Form CCC–614, Purchase Agreement; Form CCC–677, Farm Storage Note and Security Agreement; Form CCC–678, Warehouse Storage Note and Security Agreement; Form CCC–679; Lien Waiver; Form CCC–681; Authorization for Removal of Farm Storage Collateral; Form CCC–681–1, Marketing Authorization for Loan Collateral; Form CCC–691, Commodity Delivery Notice; Form CCC–692, Settlement Statement; Form CCC–864, Lienholder's Subordination Agreement; and such other forms as may be prescribed by CCC. These forms may be obtained in State and county offices.

§ 1434.13 Liens.

If there are any liens or encumbrances on the honey, waivers must be obtained which fully protect the interest of CCC even though the liens or encumbrances may be satisfied from the loan or purchase proceeds. Notwithstanding the foregoing provisions, a lienholder may execute a Lienholders Subordination Agreement (Form CCC–864) with CCC, in lieu of waiving a prior lien on the honey tendered as security for a loan, whereby the lienholder subordinates the security interest to the rights of CCC in the honey serving as collateral for the loan or such other quantity of the honey as is delivered to CCC in satisfaction of a loan under applicable program provisions. No additional liens or encumbrances shall be placed on the honey after the loan is approved.

§ 1434.14 Fees and charges.

(a) *Loan service fee.* A producer shall pay a loan service fee of $10 for each farm storage loan disbursed plus $1 for each lot over one and $6 for each warehouse storage loan disbursed (plus $1 for each warehouse receipt over one). The loan service fee is not refundable.

(b) *Delivery charge.* A delivery charge of 1 cent per hundredweight, in addition to the service charge, shall be paid by producers on the quantity of honey delivered to CCC. In the case of farm storage loans, identity-preserved warehouse storage loans, and purchases, such delivery charge shall be paid at time of settlement.

§ 1434.15 Setoffs.

(a) *Farm storage facilities and drying equipment loans.* If the provisions of a note evidencing any loan made to a producer by CCC with respect to farm storage facilities and drying equipment permit any installments of such loan to be satisfied out of the amounts otherwise due a producer under the program, the amounts shall be applied to such installments after deduction of applicable fees and charges and amounts due prior lienholders.

(b) *Producers listed on claims control record.* If a producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the ASCS county claims control record, any amounts otherwise due the producer under the program provided in this subpart shall be applied to such indebtedness in accordance with the regulations at 7 CFR 13 after deduction of any amounts which may be payable on loan installments for farm storage facilities or drying equipment and other amounts as provided in paragraph (a) of this section.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right the producer might otherwise have to contest the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1434.16 Determination of quantity.

(a) *For loan purposes.* The estimated quantity of farm-stored honey and the quantity of warehouse-stored honey placed under loan shall be determined as provided in §§ 1434.23 and 1434.24. Estimates of the quantity of farm-stored honey shall be made on the basis of 12 pounds for each gallon of rated capacity of the container.

(b) *At time of acquisition—(1) Farm storage.* The quantity of honey acquired by CCC as the result of a loan forfeiture or pursuant to a purchase agreement shall be determined by weighing the honey delivered under the direction of the State committee. The quantity of honey acquired in 5-gallon cans shall be determined by using a tare weight of 2.5 pounds for each can. The quantity of honey acquired in 55-gallon drums shall be determined by using a tare weight of 53 pounds for each drum unless the producer can furnish evidence of a lesser tare weight. Title to the containers shall vest in CCC.

(2) *Warehouse storage.* In the case of honey packaged in eligible containers, the quantity of honey acquired by CCC in approved warehouse storage as the result of a loan forfeiture or pursuant to a purchase agreement shall be the net weight shown on the warehouse receipt or the weight determined by a representative of CCC. Title to the containers shall vest in CCC.

§ 1434.17 Determination of quality.

(a) *Quality for loan—(1) Farm storage.* Loans on farm-stored honey will be made on the basis of the floral source, color, and class (table or nontable) of the honey as declared and certified by the producer on the Farm Storage Worksheet at the time the honey is placed under loan.

(2) *Warehouse storage.* Loans on warehouse-stored honey will be made on the basis of the class, floral source, grade, and color of the honey as shown on the warehouse receipt or on the extracted honey inspection and weight certificate accompanying the warehouse receipt representing such honey.

(b) *Quality for settlement—(1) Farm storage in eligible containers.* When honey is delivered to CCC in eligible containers from farm storage, its quality and color shall be determined by the Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service (AMS), in accordance with the United States Standards for Grades of Extracted Honey on the basis of samples drawn by ASCS

representatives supervising delivery. Samples shall not be drawn until the producer has designated all lots. Single containers shall not be considered as lots unless necessitated by color or floral source. The cost of quality and color determination for a maximum of four lots shall be for the account of CCC.

(2) *Identity-preserved warehouse-stored.* When honey stored identity-preserved in containers in an approved warehouse is delivered to CCC, its class, floral source, grade, and color shall be determined on the basis of samples drawn by ASCS representatives supervising delivery. The cost of such determination shall be for the account of CCC.

(c) *Segregation by color.* Table honey in eligible containers shall, insofar as is practicable, be segregated into lots by color to conform with the color catagories which are set forth in the United States Standards for Grades of Extracted Honey. If a lot of honey is not segregated so that it can be certified as one color in accordance with the United States Standards for Grades of Extracted Honey, the rate of settlement under a loan or purchase shall be based on the darkest color shown on the inspection certificate. However, if the inspection certificate at time of delivery to CCC shows that a farm-stored or identity-preserved warehouse-stored lot of honey contains more than 2 colors and if the number of samples of the darkest color shown on such certificate is not more than one-sixth of the total number of samples, the color for the purpose of settlement shall be the next lighter color than the darkest color.

(d) *Segregation by classes.* If the honey in eligible containers is not segregated so that it can be classified as table honey, the rate for settlement under a loan or purchase shall be based on the support rate for nontable honey.

(e) *Blends.* In the case of blends of table and nontable honeys, the rate for settlement under a loan or purchase shall be based on the support rate for nontable honey.

§ 1434.18 Interest rate and late payment charge.

Loans shall bear interest at the rate announced in a separate notice published in the Federal Register. However, if any price support loan is not repaid to CCC by the producer when due and payable, the provisions of 7 CFR Part 1403 shall be applicable to any such unpaid amount.

§ 1434.19 Transfer of producer's interest prohibited.

(a) *Warehouse storage loans.* The producer shall not transfer either the remaining interest in or the right to redeem honey pledged as security for a warehouse storage loan nor shall anyone acquire such interest or right. The producer's interest or right of redemption will not be deemed to have been transferred in violation of this paragraph if, under § 1434.25(c), the producer or the producer's properly authorized agent has filed a statement with the county office authorizing the release of such warehouse receipts to others and the loan is repaid within 15 days following the date of such authorization.

(b) *Farm storage loans.* The producer shall not transfer either the remaining interest in or right to redeem honey mortgaged as security for a farm storage loan nor shall anyone acquire such interest or right. Subject to the provisions of § 1434.25, a producer who wishes to liquidate all or part of a loan by contracting for the sale of the honey must obtain written approval of the county office on a form prescribed by CCC to remove a specified quantity of the honey from storage. Any such approval shall be subject to the terms and conditions set forth in the applicable form, copies of which may be obtained by producers or prospective purchasers at the county office.

§ 1434.20 Insurance.

CCC will not require the producer to insure the honey placed under a farm-stored loan. However, if the producer insures such honey and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the honey involved in the loss.

§ 1434.21 Loss or damage.

The producer is responsible for any loss in quantity or quality of the honey placed under a farm storage loan or identity-preserved warehouse storage loan. Notwithstanding the foregoing, any such loss occurring and reported to the county office after disbursement of the loan funds and before redemption or delivery to CCC will be assumed by CCC. Losses will be assumed to the extent of the settlement value at the time of destruction of the quantity of honey destroyed up to a quantity not in excess of the quantity required to secure the outstanding loan. If the honey is not destroyed, CCC will only assume an amount equivalent to the extent of the loss or damage as determined by CCC, less any insurance proceeds to which CCC may be entitled and the salvage value of the honey if the producer establishes to the satisfaction of CCC each of the following conditions: (a) The physical loss or damage occurred without fault or negligence on the part of the producer or any other person having control of the storage structure; (b) the physical loss or damage resulted solely from an external cause (other than insect infestation, rodents, or vermin), such as theft by a person not entrusted with possession of the honey and occurring without the knowledge or consent (expressed or implied) of the producer, or fire, lightning, explosion, windstorm, cyclone, tornado, flood, or other act of God; (c) the producer has given the county office immediate notice of such loss of damage before redemption or delivery to CCC; and (d) the producer has made no fraudulent representation in the loan documents or in obtaining the loan. No physical loss or damage occurring before the date of disbursement of the loan funds to the producer will be assumed by CCC.

§ 1434.22 Personal liability of the producer.

(a) *Fraud relating to farm storage and warehouse storage loans and unlawful dispositions.* The making of any fraudulent representation by a producer in the loan documents, in obtaining a loan, or in connection with settlement or delivery under a loan, or the unlawful disposition of any portion of the honey by the producer, shall render the producer subject to criminal prosecution under Federal law. Any such loans shall become payable upon demand and, aside from any additional liability under Federal criminal and civil fraud statutes, the producer shall be personally liable for the amount of the loan, any additional amount paid to the producer in connection with the honey, and all costs which CCC would not have incurred had it not been for the producer's fraudulent representation or unlawful disposition, together with interest on any such amounts. Notwithstanding the provisions of Section 6(b) of the Farm Storage Note and Security Agreement (Form CCC-677) and Section 6(b) of the Warehouse Storage Note and Security Agreement (Form CCC-678), if a producer has made any such fraudulent representation with respect to or unlawful disposition of the honey pledged as collateral for a price support loan, the amount with which the producer will be credited for any honey delivered to or removed by CCC will be the following:

(1) In the case of farm storage loans, the market value of the honey as determined by CCC as of the date of delivery to or removal by CCC, or the loan settlement value, whichever is the lower;

(2) In the case of warehouse storage loans, the market value of the honey at the close of the market on the final date for repayment or the loan settlement value, whichever is the lower; or

(3) If the honey is sold by CCC in order to determine its market value, the sales price, less any costs sustained by CCC, or the loan settlement value, whichever is the lower.

If the unlawful disposition of the loan collateral is determined by CCC not to have been a willful conversion, the value of the honey or part thereof delivered to CCC or removed by CCC shall be the same as the settlement value for eligible honey acquired by CCC as provided in this subpart.

(b) *Fraud relating to purchases.* If the producer has made a fraudulent representation in a price support purchase by CCC or in the purchase documents, the producer shall be personally liable, aside from any additional liability under Federal criminal or civil fraud statutes, for any loss which CCC sustains with respect to the honey which has been delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the amount paid to the producer for the honey delivered to CCC under the purchase agreement, as well as all costs which CCC would not have incurred had it not been for the producer's fraudulent representation, together with interest on such amounts, less the lowest of the following:

(1) The market value, as determined by CCC, of the honey as of the close of the market on the date of delivery;

(2) The sales price if the honey is sold in order to determine its market value; or

(3) The purchase settlement value.

(c) *Overdisbursement.* If the amount disbursed under a loan or purchase agreement or in settlement thereof exceeds the amount authorized under these regulations or the amount determined from the support rate for the applicable crop year, the producer shall be personally liable for repayment of the amount of such excess.

(d) *Poisonous substances and contamination.* A producer shall be personally liable for any damages resulting from delivering to CCC honey containing mercurial compounds or other substances poisonous to humans, animals, or food commodities which are contaminated.

(e) *Undercollection.* If the amount collected from the producer in satisfaction of the loan is less than the amount required to be remitted to CCC in accordance with the provisions of this part, the producer shall be personally liable for repayment of the amount of such deficiency.

(f) *Joint loans.* In the case of joint loans, each producer signing the note shall be jointly and severally liable for any personal liability which may result due to the application of the provisions of this section.

§ 1434.23 Quantity for warehouse storage loan.

The amount of a loan on the quantity of eligible honey packaged in eligible containers and stored identity-preserved in an approved warehouse shall be based on a percentage of the net weight specified on the warehouse receipt representing such honey which is pledged as security for the loan. Such percentage shall not exceed 95 percent of the weight so specified.

§ 1434.24 Quantity for farm storage loans.

(a) *Maximum loan amount.* Farm storage loans shall not be made on more than a percentage (hereinafter called the "loan percentage"), as established by the State committee, of the certified or measured quantity of the eligible honey stored in approved farm storage and covered by the note and security agreement. The maximum loan percentage shall not exceed 90 percent of the measured or certified quantity. The State committee shall establish the loan percentage each year on a Statewide basis or for specified areas within the State. Before the establishment of a loan percentage, the State committee shall consider conditions in the State or areas within a State to determine if the loan percentage should be below the maximum loan percentage in order to provide CCC with adequate protection. Loan percentages previously determined shall be lowered if warranted by changed conditions in the State or areas within a State, but new loan percentages shall apply only to new loans and not to outstanding loans. In determining the loan percentages the State committee shall consider general honey-producing conditions, factors affecting quality peculiar to an area within the State, and climatic conditions affecting storability. The loan percentages established by the State committee may be lowered by the county committee on an individual basis when determined to be necessary in order to provide CCC with adequate protection. The county committee shall consider:

(1) The condition or suitability of the storage structure;

(2) The condition of the honey;

(3) The hazardous location of the storage structure, such as a location which exposes the structure to danger of flood, fire, and theft by a person not entrusted with possession of the honey;

(4) Any disagreement with respect to the quantity of honey to be placed under loan; and

(5) Such other factors which relate to the preservation or safety of the loan collateral.

(b) *Less than maximum loan amount.* Farm storage loans may be made on less than the maximum quantity eligible for loan at the producer's request. If the loan quantity is reduced by the State committee, the county committee, or by request of the producer, the mortgage shall cover all of the honey in the lot on which the loan is made. When the loan percentage is lowered for one or more of the hazards listed in paragraph (a) of this section, the producer shall be notified in writing that CCC will not assume any loss or damage to the loan collateral resulting from the particular hazards to which the structure was exposed.

(c) *Transfer from farm storage loans to warehouse storage loans.* Upon request by the producer, the county committee may approve the transfer of honey or part thereof which is under a farm storage loan to a warehouse storage loan at any time during the loan period. Liquidation of the farm storage loan or part thereof shall be made through the pledge of warehouse receipts for the honey placed under warehouse storage loan and the immediate payment by the producer of the amount by which the warehouse storage loan is less than the farm storage loan or part thereof plus interest. Any amounts due the producer shall be disbursed by the county office. The maturity date of the warehouse storage loan shall be the maturity date applicable to the farm storage loan which was transferred to such warehouse storage loan.

(d) *Packaged in eligible containers.* Loans shall be made on not more than 90 percent of the estimated quantity of eligible honey packaged in eligible containers in approved farm storage.

(e) *Producer certification.* In addition to loan quantity determinations based on measurement as provided in paragraph (a) of this section, determinations may be made on the basis of the quantity of honey which an eligible producer certifies in writing on Form CCC–666 is eligible if the honey is in approved farm storage and available for loan purposes.

(f) *Incorrect producer certification.* (1) If the county committee determines by measurement or otherwise that the actual quantity serving as collateral for a loan based on certification by the

producer is less than the loan quantity, the county committee shall call the loan. The producer shall have ten days to settle the loan, except that the producer may request reconsideration of the loan call and provide information regarding the circumstances leading to the incorrect certification. The county committee may reinstate the producer's loan if:

(i) The circumstances are of a highly meritorious nature;

(ii) The producer acted in good faith;

(ii) The producer did not knowingly provide an incorrect certification and made a reasonable attempt to determine the quantity; and

(iv) The producer repays the amount of any overdisbursement.

If the loan is called, the county committee may refuse to approve any further farm-stored loans for honey produced by the producer through the end of the next crop year after the crop year in which the incorrect certification was made.

(2) If the producer has incorrectly certified such quantities on more than one occasion, the county committee shall call the loan(s) involved and approve no further farm-stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the incorrect certification was made. If the county committee feels the seriousness of the matter so justifies, they may deny further farm-stored loans to the producer for more than one year.

(g) *Unauthorized removal.* If there has been unauthorized removal of any part of farm-stored collateral, the county committee shall, on the first offense, call the loan involved. The producer shall have ten days to settle the loan, except that the producer may request reconsideration of the call and provide information regarding the circumstances leading to the unauthorized removal. The county committee may reinstate the producer's loan if:

(1) The circumstances leading to the unauthorized removal are of a highly meritorious nature;

(2) The producer acted in good faith;

(3) The producer did not knowlingly remove the honey under loan; and

(4) The producer repays the loan with respect to the quantity of the collateral which had been removed.

If the loan is called, the county committee may refuse to approve any further farm-stored loans for honey produced by the producer through the end of the next crop year after the crop year in which the unauthorized removal occurred. If the unauthorized removal is the second offense, the county committee shall call the loan involved and not approve any further farm-stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the unauthorized removal occurred.

§ 1434.25 Release of the honey under loan.

(a) *Obtaining release—farm storage.* A producer shall not remove any loan honey from farm storage until prior written approval for such removal has been received from the county committee on one of the applicable forms listed in § 1434.12. A producer may at any time obtain a release of all or part of the honey remaining under loan by paying to CCC the amount of the loan which had been made by CCC to the producer with respect to the quantity of the honey released, plus interest. When the proceeds of a sale of honey are needed to repay all or part of the loan, see § 1434.19(b).

(b) *Release of farm storage note and security agreement.* The note and security agreement shall not be released by CCC until the loan has been satisfied in full. After satisfaction of a loan, the county executive director shall release CCC's security interest in the honey.

(c) *Obtaining release—warehouse storage loans.* The producer may arrange with the county office for release of all or part of the honey under warehouse storage loan on or prior to maturity date of such loan by repayment of the amount of the loan with respect to the quantity of the honey to be released plus interest. Each partial release must cover all of the honey represented by one warehouse receipt. Subject to provisions of § 1434.5(c), warehouse receipts redeemed by the producer upon repayment of the loan shall be released only to the producer or the producer's authorized agent. However, redeemed warehouse receipts may be released to persons designated in a written authorization filed with the county office by the producer or the producer's properly authorized agent and dated within 15 days prior to the date of repayment.

§ 1434.26 Liquidation of farm storage loans.

(a) *General.* In the case of farm storage loans, the producer is required to pay off the loan or deliver the honey under loan to CCC. Deliveries shall be made in accordance with written instructions issued by the county office which shall set forth the time and place of delivery. CCC will not accept delivery of any quantity of eligible honey in excess of the larger of (1) 110 percent of the measured or certified quantity, or (2) a sufficient quantity of honey having a settlement value equal to 110 percent of the loan value being settled. Settlement of the quantity determined shall be made as provided in § 1434.29. Delivery points shall be limited to those approved by the ASCS Kansas City Commodity Office.

(b) *Notice to county committee.* If the producer desires to deliver the honey to CCC, the producer must give the county committee notice in writing of intention to do so within a reasonable time prior to the applicable maturity date.

(c) *Honey going out of condition.* If, prior to delivery to CCC, the honey in approved farm storage is going out of condition, the producer shall so notify the county office and confirm such notice in writing. If the county committee determines that:

(1) The honey is going out of condition or is in danger of going out of condition;

(2) The honey cannot be satisfactorily conditioned by the producer; and

(3) Delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination.

When delivery is completed, settlement shall be made subject to the provisions of §§ 1434.21 and 1434.22 on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, for the quantity actually delivered.

(d) *Delivery before maturity date.* When considered necessary to protect the interest of CCC or when requested by the producer, the county committee may call the loan and accept delivery of the honey prior to the loan maturity date.

(e) *Storage deduction for early delivery.* If the loan maturity date is accelerated upon request of the producer and the acceleration is approved by CCC, the settlement value of the honey shall be reduced by one-sixty of 1 cent per pound per month or fraction thereof from the earlier of (i) the date delivery is accomplished or (ii) the final date for delivery as shown in the delivery instructions up to and including the original loan maturity date.

§ 1434.27 Liquidation of warehouse storage loans.

If a producer does not repay the loan indebtedness upon maturity of the loan, CCC shall have the right to sell or acquire title to the honey pledged as security for the loan indebtedness.

§ 1434.28 Purchase from producers.

(a) *Quantity eligible for purchase.* An eligible producer may sell to CCC any or all of the eligible honey which is not mortgaged to CCC under a farm storage loan or pledged to CCC under a warehouse storage loan: *Provided,* That the producer executes and delivers to the county office a Purchase Agreement (Form CCC–614) indicating the approximate quantity of honey to be sold to CCC no later than January 31 of the year following the year in which the honey was produced and extracted. The producer is not obligated, however, to complete the sale by delivery of any quantity of the honey to CCC upon expiration of the purchase agreement. Delivery points for purchases from other than approved warehouse storage shall be limited to those approved by the ASCS Kansas City Commodity Office. Settlement of the quantity not to exceed 110 percent of the quantity shown on the Purchase Agreement shall be made as provided in § 1434.29.

(b) *Delivery period.* (1) In the case of eligible honey not in an approved warehouse, the producer must make delivery of the honey the producer desires to sell to CCC within the period of time after the expiration date of the purchase agreement as specified in delivery instructions issued by the county office. Delivery shall be made to the location specified in such instructions. Notwithstanding any of the provisions of this section, in the case of eligible farm-stored honey covered by an approved Purchase Agreement (Form CCC–614), the county committee may, if requested by the producer, authorize early delivery of the honey if the producer loses control of the storage structure or if there is danger of flood or damage to the storage structure making it unsafe to continue storage of the honey on the farm. In the event of such purchase and delivery of the honey to CCC, the settlement value of the honey shall be reduced as provided in paragraph (e) of § 1434.26.

(2) In the case of eligible honey stored in an approved warehouse, the producer must submit to the county office, not earlier than ten days before the expiration date of the purchase agreement nor later than the day after such expiration date, warehouse receipts for the quantity of honey the producer elects to sell to CCC.

§ 1434.29 Settlement.

(a) *General.* Except as provided in §§ 1434.21, 1434.22, and paragraph (b) of this section, settlement with the producer for eligible honey acquired by CCC under loan or purchase will be made on the basis of the quantity, floral source, class, quality, grade, and color of such honey as provided in this section and other applicable provisions of this subpart. The settlement value of honey shall be the product of the support rate for the class, floral source, grade, and color, times the quantity acquired at the time of settlement adjusted by the applicable discounts. The support rate per pound of honey at which settlement will be made shall be the rate determined annually and available in ASCS County offices.

(b) *Warehouse storage—Identity preserved.* Settlement for eligible honey stored identity preserved in an approved warehouse and acquired by CCC shall be made on the basis of the net weight shown on the extracted honey inspection and weight certificate and the class, floral source, color, and grade shown on the inspection certificate.

(c) *Ineligible honey inadvertently accepted by CCC.* If ineligible honey is inadvertently accepted by CCC, the settlement value shall be the market value as of the date of delivery as determined by CCC. The provisions of § 1434.22 shall be applicable to settlement on ineligible honey where there has been a fraudulent representation on the part of the producer.

(d) *Payment of deficiency by producers.* If the settlement value of the honey is less than the amount due on the loan (excluding interest), the amount of any deficiency plus interest thereon shall be paid to CCC. If the deficiency is not promptly paid, CCC may, in addition to any of its other rights, satisfy the amount of such deficiency plus interest out of any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(e) *Payments of amount due producer.* If the settlement value of the honey delivered to CCC exceeds the amount due on the loan (excluding interest), such excess amount shall be paid to the producer. Any payment due the producer on either a loan or purchase will be made by draft drawn on the account of CCC by the county office.

(f) *Storage where CCC is unable to take delivery.* A producer may be required to retain and store the honey that is serving as collateral for a loan or subject to a purchase agreement for a period of 60 days after the maturity date of a loan or expiration date of a purchase agreement without any cost to CCC. If CCC is unable to take delivery of the honey within the 60-day period after the loan maturity date, the producer shall be paid a storage payment upon delivery of the honey to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after such maturity date and extend through the earlier of: (1) The final date of actual delivery or (2) the final date for delivery as specified in the delivery instructions issued to the producer by the county office. The storage payment shall be computed at the storage rate stated in the applicable CCC storage agreement for honey in effect at the delivery point where the producer delivers the honey.

§ 1434.30 Foreclosure.

(a) *Removal from storage.* If the loan indebtedness (i.e., the unpaid amount of the note, interest, and charges) is not satisfied upon maturity of the note, CCC may remove the honey from storage and assign, transfer, and deliver the honey or documents evidencing title thereto at such time, in such manner, and upon such terms as CCC may determine at public or private sale. Any such disposition may similarly be accomplished without the prior removal of the honey from storage. The honey may be processed before sale. CCC may become the purchaser of the whole or any part of the honey hereunder at either a public or private sale.

(b) *When CCC takes title to honey.* At CCC's election, title to all or any part of the unredeemed honey securing the note as CCC may designate shall, without a sale thereof, immediately vest in CCC upon maturity and nonpayment of the producer's note. Whenever CCC acquires title to the unredeemed honey, CCC shall have no obligation to pay for any market value which such honey may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges.

(c) *Payment to producer.* Nothing herein shall preclude CCC from paying the producer or the producer's personal representative or heirs who meet the conditions set forth in § 1434.4 with respect to the following:

(1) Any amount by which the settlement value of the collateral honey exceeds the principal amount of the loan; or

(2) The amount by which the proceeds of sale exceed the loan indebtedness including interest and charges if the collateral honey is sold to third persons as provided in paragraph (a) of this section instead of full title to such collateral honey being acquired by CCC as provided in paragraph (b) of this section.

(d) *Honey sold at less than amount due on loan.* If honey is removed from storage by CCC and is sold pursuant to paragraph (a) of this section at less than the principal amount due CCC on the loan (excluding interest), the producer shall be liable to CCC for the difference between the settlement value of the honey (or the proceeds from the sale of the honey, if higher) and the amount of the loan plus interest. The amount of any deficiency may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

§ 1434.31 Charges not to be assumed by CCC.

CCC will not assume any charges for insurance, storage, packaging, or processing.

§ 1434.32 Handling payments and collections not exceeding $3.

In order to avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less which are due the producer will be paid only upon the producer's request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1434.33 Death, incompetency, or disappearance.

In the case of death, incompetency, or disappearance of any producer who is entitled to the payment of any sum in settlement of a loan or a purchase, payment shall be made upon proper application to the county office which made the loan or purchase to the persons who would be entitled to such producer's payment under the regulations contained in Part 707 of this title—Payments Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent.

§ 1434.34 Definitions.

As used in the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires.

(a) *General.* The following words or phrases: "Person," "State committee," "State Executive Director," "county committee," "county executive director," and "farm," respectively, shall each have the same meaning as the definitions of such term in the Regulations Governing Reconstitution of Farms, Allotments, and Bases, Part 719 of this title and any amendment thereto.

(b) *Settlement value.* The term "settlement value" means the value at which settlement is made with the producer on the mortgaged or pledged honey offered for purchase, as determined under the provisions of the regulations in this part.

(c) *Charges.* The term "charges" means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning, and marketing the honey and otherwise protecting the interest in the loan collateral of CCC or the producer including foreclosure costs.

(d) *County committee.* The term "county committee" means only the committee and not its representative.

(e) *Representative of the county committee and county committee representative.* The terms "representative of the county committee" and "county committee representative" mean a member of the county committee, the county executive director, or a person designated by the county executive director to act in behalf of the county executive director.

(f) *The regulations in this subpart.* The term "the regulations in this subpart" means the regulations in Subpart — 1982 and Subsequent Crops, Honey, together with any amendments thereto and notices published in the **Federal Register.**

(g) *Request for price support.* The term "request for price support" means a request for loan or execution of Purchase Agreement (Form CCC–614) as applicable.

(h) *Chattel mortgage.* The term "chattel mortgage" means any security instrument which secures a farm storage loan.

§ 1434.35 Kansas City ASCS Commodity Office and ASCS Management Field Office.

(a) Kansas City ASCS Commodity Office, P.O. Box 205, Kansas City, Missouri 64141, will serve all States.

(b) Accounting, recording, and reporting for all States will be handled through ASCS Management Field Office, P.O. Box 205, Kansas City, Missouri 64141.

Signed at Washington, D.C. on August 6, 1982.

Everett Rank,

Executive Vice President, Commodity Credit Corporation

[FR Doc. 82–21945 Filed 8–12–82; 8:45 am]

BILLING CODE 3410–05–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 8785]

Ash Grove Cement Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on June 24, 1975 (40 FR 33657), by deleting Paragraph IV from the Order, so as to allow respondent to retain the assets of its divested subsidiary, which it reacquired when the purchaser of the divested plant defaulted on its payments to respondent.

DATES: Order issued June 24, 1975. Modifying Order issued July 29, 1982.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580. (202) 634–4604.

SUPPLEMENTARY INFORMATION: In the Matter of Ash Grove Cement Company, a corporation. Codification appearing at 40 FR 33657 remains unchanged.

List of Subjects in 16 CFR Part 13

Ready-mix concrete.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

The Order Modifying Cease and Desist Order Issued June 24, 1975 is as follows:

The Federal Trade Commission having considered the June 2, 1982 petition of Ash Grove Cement Company to reopen this matter and to modify the order to cease and desist issued by the Commission on June 24, 1975, and having determined that changed conditions of fact and the public interest warrant reopening and modification of the order,

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

By the direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82–22067 Filed 8–12–82; 8:45 am]

BILLING CODE 6750–01–M

16 CFR Part 13

[Docket 9130]

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

AGENCY: Federal Trade Commission.

ACTION: Dismissal order.

SUMMARY: The Federal Trade Commission has issued an order dismissing the 1979 complaint challenging Exxon's proposed acquisition of Reliance Electric Company, finding that, "* * * the acquisition would not have had the competitive effects of the magnitude of those anticipated by the company and the Commission in 1979." The dismissed complaint alleged that the acquisition would eliminate Exxon as an actual potential entrant into the U.S. electronic variable speed industrial drives market.

DATES:

Complaint issued Aug. 10, 1979.

Dismissal Order issued July 30, 1982.[1]

FOR FURTHER INFORMATION CONTACT:

FTC/CS–5, David Long, Washington, D.C. 20580. (202) 254–7001.

SUPPLEMENTARY INFORMATION: In the Matter of Exxon Corporation and Enco, Incorporated.

List of Subjects in 16 CFR Part 13

Electronic variable speed industrial drives.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

The Order Dismissing Complaint is as follows:

Order Dismissing Complaint

In the matter of Exxon Corporation and Enco, Incorporated [Docket No. 9130].

On August 10, 1979, the Commission issued an administrative complaint against respondents challenging the intended acquisition of Reliance Electric Company by Exxon Corporation, through its subsidiary Enco, Incorporated. The complaint alleged that the acquisition, which was subsequently consummated pursuant to a hold-separate order,[2] would eliminate Exxon as an actual potential entrant into the United States electronic variable speed industrial drives ("EVSD") market, thereby eliminating the likelihood that entry by Exxon would: (a) Decrease concentration in the market; (b) increase competition in the market; or (c) increase competition in the development of EVSD technology and products. The factual premise of the complaint was that Exxon had made a breakthrough in EVSD technology and, but for the acquisition of Reliance, would enter the market either *de novo* or through the acquisition of a toehold company.

After substantial pretrial discovery, complaint counsel moved on May 14, 1982, for a dismissal of the complaint. The motion was certified to the Commission by the ALJ without a recommendation on May 17, 1982. Respondents did not file an answer.

In their motion and accompanying papers [3] complaint counsel have explained in detail how recent discovery has shown that Exxon, and consequently the Commission, misjudged the commercial viability of its new technology, called "alternating current synthesis" ("ACS"). Thus, rather than marketing ACS for Exxon, as Exxon had hoped, Reliance guided the company to the realization that ACS was not the breakthrough it had been thought to be and that, moreover, the prospects even for modest commercial exploitation were questionable: ACS suffered from serious reliability and serviceability problems, and its production costs were vastly greater than originally estimated. Consequently, on March 20, 1981, Exxon announced that it had abandoned its efforts to develop the ACS design. While Reliance's "ACS Group" (the unit not subject to the court's hold-separate order) explored the possibility of another technology, that effort was terminated in August, 1981.

In light of these newly discovered facts, it is now apparent that Exxon never was the significant potential entrant that it was alleged to be in the Commission's complaint. Even if Exxon had attempted to enter the EVSD market by alternative means, [4] the Commission has no reason to believe that such entry, without a new technology, would have offered "a substantial likelihood of ultimately producing deconcentration of that market or other significant procompetitive effets." [5] In any event, it now appears that the acquisition would not have had competitive effects of the magnitude of those anticipated by the company and the Commission in 1979.

The compliant is hereby dismissed.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82–22066 Filed 8–12–82; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint filed with the original document.

[2] A temporary restraining order was issued on July 28, 1979, by United States District Judge Harold H. Greene. On August 17, 1979, District Judge John H. Pratt entered the hold-separate order. That order was modified on October 26, 1979, to exclude Reliance's "motors unit" from the hold-separate requirement and also on June 25, 1980. Certain aspects of the June 25 modification not relevant here were struck down by the Court of Appeals in December, 1980. *FTC* v. *Exxon Corp.*, 636 F. 2d 1336 (D.C. Cir. 1980).

[3] The motion to dismiss and Attachments A—M were filed on the public record. Complaint counsel also filed *in camera* a lengthy memorandum in support and 68 attachments, consisting of internal Exxon documents and investigational transcripts.

[4] Absent the Reliance acquisition, Exxon might have acquired a toehold company or continued internal development of the ACS technology. However, in either case, it would have learned eventually of the failings of ACS. This probably would have ended Exxon's interest in the EVSD market, since the company seems to have been interested in entering that market *only* as a technological innovator.

[5] *United States* v. *Marine Bancorporation*, 418 U.S. 602, 633 (1974).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 157

[Docket No. RM82–39–000; Order No. 248]

Final Rule To Discontinue Reports by Purchasers From Small Producers

Issued: August 10, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is eliminating the requirement in § 157.40(g) of its regulations for semi-annual reports from natural gas pipeline companies and large producers respecting new or additional purchases of gas from small producers and any cessation of service by small producers. The passage of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301–3432) has resulted in a great reduction in the number of these reports filed with the Commission and the Commission no longer needs these data to perform its regulatory functions. The elimination of the requirement is part of the Commission's ongoing program to review all of its data requirements and to eliminate unnecessary reporting burdens.

EFFECTIVE DATE: This final rule is effective August 10, 1982.

FOR FURTHER INFORMATION CONTACT:

Jerry H. Bloomer, Federal Energy Regulatory Commission, Office of Pipeline and Producer Regulation, 825 North Capitol St. NE., Room 4414–B, Washington, D.C. 20426, (202) 357–8644

Susan J. Court, Federal Energy Regulatory Commission, Office of General Counsel, 825 North Capitol St. NE., Room 8601, Washington, D.C. 20426, (202) 357–8033

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is revoking the data reporting requirement in § 157.40(g) of its regulations. The Commission no longer needs the data reported pursuant to that provision in

order to perform its regulatory functions. Section 157.40(g) requires natural gas pipeline companies and large producers to file semi-annual reports listing new or additional purchases of gas from small producers and any cessation of service by small producers during a six-month period. The elimination of this requirement is part of the Commission's ongoing program to review and evaluate the information it requires for regulatory purposes and to delete unnecessary reporting requirements.

II. Background

The Commission and its predecessor, the Federal Power Commission (FPC), have required the filing or reports under § 157.40(g) [1] since 1971, as part of their small producer regulation. In that year, the FPC exempted small producers from certain filing requirements in an effort to encourage them to dedicate additional gas supplies to the interstate market.[2] At the same time, the FPC required pipelines and large producers to report each purchase of gas from, or cessation of service by, small producers as such purchase or cessation of service occurred. The FPC required pipelines and large producers to file these reports to enable it to monitor small producer gas in the interstate market, and thereby assist the FPC in its efforts to encourage small producers to dedicate additional gas supplies to the interstate market. In 1977, the FPC amended § 157.40(g) to require the filing of semi-annual reports covering gas purchases and cessations of service within a six-month period.[3]

III. Discussion

The passage of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301–3432) has virtually eliminated the need for which the reports prescribed in § 157.40(g) were originally required. By imposing maximum lawful prices on both interstate and intrastate gas, the NGPA has removed, to a significant degree, the price incentive for a small producer to withhold or divert gas from the interstate market. Consequently, the NGPA has effectively made unnecessary the Commission's efforts to encourage small producers to dedicate additional gas to the interstate market. Therefore, the Commission no longer needs the reports at § 157.40(g), which were originally required to assist the Commission in monitoring the effects of these efforts.

The passage of the NGPA has also specifically affected the § 157.40(g) reports on new or additional purchases inasmuch as there is little left to report. The data collected by these reports relate only to volumes of natural gas that are still subject to the Commission's certificate and abandonment requirements under the Natural Gas Act (NGA). Most of the recent new or additional purchases from small producers involve gas which is not committed or dedicated to interstate commerce under the NGA. Thus, the data represent only a small and declining percentage of purchases from small producers. The volumes are so small that the information does not aid the Commission in fulfilling its regulatory responsibilities and do not justify continuing the § 157.40(g) reporting requirement regarding new or additional purchases.

In addition, the Commission no longer needs the § 157.40(g) cessation of service reports, which were primarily used to ensure that small producers complied with the abandonment requirements of section 7(b) of the NGA. The cessation reports were compared to applications for abandonment filed by small producers, and the remaining cessations were investigated to determine whether an abandonment application was necessary. The Commission believes it is no longer appropriate to collect cessation of service reports simply to use them as cross-checks against the filing of abandonment applications. The Commission needs only to refer to the abandonment applications themselves for reports of cessations. Also, because purchasers have an interest in protecting their own gas supply, the Commission anticipates that purchasers will notify the Commission when a small producer attempts to divert gas.[4]

The Commission estimates that a purchaser of gas from small producers must spend approximately 440 hours annually in the preparation of the § 157.40(g) reports. The Commission's deletion of § 157.40(g) will eliminate that reporting burden entirely, without adversely affecting the Commission's need for data to perform its regulatory functions.

III. Public Procedure and Effective Date

Pursuant to 5 U.S.C. 553(b)(B), the Commission for good cause, discussed below, finds that notice and public procedure on the deletion of § 157.40(g) are unnecessary. The information collected pursuant to § 157.40(g) clearly serves no useful regulatory purpose. Since the enactment of the NGPA, the reason for requiring the § 157.40(g) reports no longer exists, little information remains to be reported, and the remaining information is in most instances duplicative of other reports submitted to the Commission. Consequently, the commission does not use nor need to use the reports prescribed in § 157.40(g).

In addition, the Commission believes that public interest would be served by the deletion of § 157.40(g) without notice and public procedure because to do otherwise at this time would leave purchasers from small producers subject to the requirement to file reports on September 1, 1982, the next filing deadline, thereby incurring the expense of preparing the reports. Such expense would ultimately be recovered from the consumer.

The Commission also finds good cause, pursuant to 5 U.S.C. 553(d), to make this final rule effective on August 10, 1982. As mentioned above, the next filing of reports under § 157.40(g) is due September 1, 1982. Delaying the effective date until 30 days after publication would also mean that purchasers from small producers subject to § 157.40(g) would unnecessarily be required to file reports on that date.

(Natural Gas Act, 15 U.S.C. 717–717w; Department of Energy Organization Act, 42 U.S.C. 7101–7352; E. O. 12009, 3 CFR 142)

List of Subjects in 18 CFR Part 157

Natural gas, Small producer regulations, Reporting requirements for purchasers of small producer gas.

In consideration of the foregoing, the Commission amends Part 157, Chapter I, Title 18, Code of Federal Regulations, as set forth below, effective upon issuance.

[1] The rule establishing § 157.40(g) was promulgated in FPC Order No. 428, Docket No. R–393, March 18, 1971 (36 FR 5598, March 25, 1971). The FPC promulgated this rule pursuant to its authority under sections 4, 5, 7, 10 and 16 of the Natural Gas Act (15 U.S.C. 717–717w). The authority under sections 4, 5, 7 and 16 of the Natural Gas Act was transferred to the Commission under section 402 of the Department of Energy Organization Act (42 U.S.C. 7101–7352). The Secretary of Energy delegated the authority of section 10 of the Natural Gas Act ot the Commission under Delegation Order No. 0204–1 (October 1, 1977). A corollary of the Commission's authority to collect information is the authority to discontinue the collection of information.

[2] When Order No. 428 was issued, new interstate gas dedications and overall gas supplies were declining while intrastate dedications, which were priced higher than the regulated interstate rates, were growing.

[3] Order No. 568, Docket No. RM76–15, July 14, 1977 (42 FR 39090, August 2, 1977).

[4] For example, a purchaser of gas from a small producer could file a complaint pursuant to § 1.6 of the Commission's regulations alleging a violation of section 7(b) of the NGA. Section 1.6 will be recodified as § 385.207 when the Commission's Revised Rules of Practice and Procedure become effective August 26, 1982.

By the Commission.
Lois D. Cashell,
Acting secretary.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

§ 157.40 [Amended]

In § 157.40, paragraph (g) is removed and reserved for future use.

[FR Doc. 82-22120 Filed 8-12-82; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 82-144]

Implementation of United States-Canada Pacific Albacore Tuna Treaty

AGENCY: Customs Service, Treasury.
ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to grant entitled Canadian fishing vessels port access and landing rights for albacore tuna in specified United States ports. This action is necessary to implement the Treaty between the Governments of the United States and Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Larry L. Burton, Carrier Rulings Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

The Treaty between the Government of the United States and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, signed May 26, 1981, was ratified by the Senate on July 20, 1981, and entered into force on July 29, 1981. The Treaty was necessary to resolve difficulties which had arisen between the United States and Canada concerning albacore tuna fishing on the Pacific Coast.

Specifically, as it relates to the Customs Service, Article III of the Treaty provides for access, including landing rights for the catch, by Canadian albacore vessels to the United States ports designated in Annex B to the Treaty, *i.e.*, Astoria and Coos Bay, Oregon; Bellingham, Washington; and Crescent City, California. Accordingly, that Article establishes a limited exception to the Nicholson Act, second sentence of subsection (a), 46 U.S.C. 251, as amended, which prohibits foreign-flag vessels from landing in the United States fish or fish products caught or received on the high seas "except as otherwise provided by treaty . . . to which the United States is a party, ..."

As presently written, section 4.96, Customs Regulations (19 CFR 4.96), would prohibit a Canadian fishing vessel from landing its catch of albacore tuna taken or received on the high seas at a port or place in the United States. Therefore, to implement the provisions of the Treaty, Customs finds it is necessary to amend that section, as set forth below, to permit entitled Canadian fishing vessels to put in, and land their catch taken or received on the high seas at specified United States ports. It is anticipated that the 1982 albacore tuna season will begin sometime in the month of June in Northern Hemisphere waters.

Inapplicability of Notice and Delayed Effective Date Provisions

Because the amendment merely implements the provisions of a treaty of the United States, it has been determined that, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Because the northern migration of the albacore tuna and its appearance off the California coast is not predictable with great certainity, Customs has determined that to ensure efficient facilitation of the Treaty the amendment should become effective as soon as possible. Accordingly, a delayed effective date has not been set pursuant to 5 U.S.C. 553(d)(3).

E.O. 12291 and Regulatory Flexibility Act

It has been determined that the amendment is not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and therefore no regulatory impact analysis is required.

In addition, it has been determined that the amendment is not subject to the provisions of Pub. L. 96-354, the Regulatory Flexibility Act (5 U.S.C. 601-612), because publication of a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 et seq.), or any other law.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 4

Customs inspection and duties, Fisheries, Fishing vessels, Imports, Reporting requirements.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Section 4.96, Customs Regulations (19 CFR 4.96), is revised to read as follows:

§ 4.96 Fisheries.

(a) As used in this section:

(1) The term "convention vessel" means a Canadian fishing vessel which, at the time of its arrival in the United States, is engaged only in the North Pacific halibut fishery and which is therefore entitled to the privileges provided for by the Halibut Fishing Vessels Convention between the United States and Canada signed at Ottawa, Canada, on March 24, 1950 (T.D. 52862);

(2) The term "nonconvention fishing vessel" means any vessel other than a convention vessel which is employed in whole or in part in fishing at the time of its arrival in the United States and

(i) Which is documented under the laws of a foreign county,

(ii) Which is undocumented, of 5 net tons or over, and owned in whole or in part by a person other than a citizen of the United States, or

(iii) Which is undocumented, of less than 5 net tons, and owned in whole or in part by a person who is neither a citizen nor a resident of the United States;

(3) The term "nonconvention cargo vessel" means any vessel which is not employed in fishing at the time of its arrival in the United States, but which is engaged in whole or in part in the transportation of fish or fish products [131a] and

(i) Which is documented under the laws of a foreign country or

(ii) Which is undocumented and owned by a person other than a citizen of the United States;

(4) The term "treaty vessel" means a Canadian fishing vessel which at the time of its arrival in the United States is engaged in the albacore tuna fishery and which is therefore entitled to the privileges provided for by the treaty with Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges,

entered into force at Ottawa, Canada, on July 29, 1981 (T.D. 81–227); and

(5) The term "fishing" means the planting, cultivation, or taking of fish, shell fish, marine animals, pearls, shells, or marine vegetation, or the transportation of any of those marine products to the United States by the taking vessel or another vessel under the complete control and management of a common owner or bareboat charterer.

(b) Except as provided for in paragraph (d), (e), (g), or (h) of this section, no vessel employed in fishing, other than a vessel of the United States or a vessel of less than 5 net tons owned in the United States, shall come into a port or place in the United States.[131b]

(c) A vessel of the United States to be employed in fishing may be enrolled and licensed, or licensed, depending upon its size, or registered. If registered, the vessel must be entitled to be licensed or enrolled and licensed for the fisheries.

(d) A convention vessel may come into a port of entry on the Pacific coast of the United States, including Alaska, to land its catch of halibut and incidentally-caught sable fish, or to secure supplies, equipment, or repairs. Such a vessel may come into any other port of entry or, if properly authorized to do so under § 101.4(b) of this chapter, into any place other than a port of entry, for the purpose of securing supplies, equipment, or repairs only, but shall not land its catch. A convention vessel which comes into the United States as provided for in this paragraph shall comply with the usual requirements applicable to foreign vessels arriving at and departing from ports of the United States.

(e) A nonconvention fishing vessel, other than a treaty vessel, may come into a port of entry in the United States or, if granted permission under § 101.4(b) of this chapter, into a place other than a port of entry for the purpose of securing supplies, equipment, or repairs, but shall not land its catch. A nonconvention fishing vessel which comes into the United States as provided for in this paragraph shall comply with the usual requirements applicable to foreign vessels arriving at and departing from ports of the United States.

(f) A nonconvention cargo vessel, although not prohibited by law from coming into the United States, shall not be permitted to land in the United States its catch of fish taken on the high seas or any fish or fish products taken on board on the high seas from a vessel employed in fishing or in the processing of fish or fish products, but may land fish taken on board at any place other than the high seas upon compliance with the usual requirements. Before any such fish may be landed the master shall satisfy the district director that the fish were not taken on board on the high seas by presenting declarations of the master and two or more officers or members of the crew of the vessel, of whom the person next in authority to the master shall be one, or other evidence acceptable to the district director which establishes the place of lading to his satisfaction.

(g) A treaty vessel may come into a port or place of the United States named in Annex B of the Treaty with Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges to land its catch of albacore tuna, or to secure fuel, supplies, equipment and repairs. Such a vessel may come into any other port of entry or, if properly authorized to do so under § 101.4(b) of this chapter, into any place other than a port of entry, for the purpose of securing supplies, equipment, or repairs only, but shall not land its catch. A treaty vessel which comes into the United States as provided for in this paragraph shall comply with the usual requirements applicable to foreign vessels arriving at and departing from ports of the United States.

(h) A convention vessel, a nonconvention fishing vessel, a nonconvention cargo vessel, or a treaty vessel, which arrives in the United States in distress shall be subject to the usual requirements applicable to foreign vessels arriving in distress. While in the United States, supplies, equipment, or repairs may be secured, but, except as specified in the next sentence, fish shall not be landed unless the vessel's master, or other authorized representative of the owner, shows to the satisfaction of the district director that it will not be possible, by the exercise of due diligence, for the vessel to transport its catch to a foreign port without spoilage, in which event the district director may allow the vessel upon compliance with all applicable requirements, to land, transship, or otherwise dispose of its catch. Nothing herein shall prevent, upon compliance with normal Customs procedures, a convention vessel arriving in distress from landing its catch of halibut and incidentally-caught sable fish at a port of entry on the Pacific coast, including Alaska; a foreign cargo vessel arriving in distress from landing its cargo of fish taken on board at any place not on the high seas; or a treaty vessel arriving in distress from landing its catch of albacore tuna at a port of entry on the Pacific coast, including Alaska.

(i) A registered vessel may be cleared for a whaling voyage [131c] under the same terms and conditions as though it were enrolled and licensed for the whale fishery.

(R.S. 251, as amended, 4311, as amended, section 624, 46 Stat. 759 (19 U.S.C. 66, 1624; 46 U.S.C. 251))

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: July 21, 1982.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-22057 Filed 8-12-82; 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Part 101

[T.D. 82–143]

Establishment of a Customs Station at Galliano, Louisiana

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by adding Galliano, Louisiana, to the list of designated Customs stations. The Galliano Customs station, which is currently in operation, is located in the New Orleans Customs District, and is supervised by the Morgan City, Louisiana, port of entry. It provides service to the Louisiana Offshore Oil Port (LOOP), which has its control center there.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Richard C. Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8157).

SUPPLEMENTARY INFORMATION:

Background

The Customs Service has primary responsibility for: (1) Collecting revenue (including Customs duties, excise taxes, fees and penalties) due on imported merchandise; (2) processing persons, cargo, baggage, and mail entering the United States from foreign countries; (3) enforcing import and export prohibitions to protect the general welfare and security of the United States; and (4) collecting international trade statistics.

Individuals, vehicles, and merchandise generally enter the United States through established Customs ports of entry and stations.

Customs Ports of Entry

Customs ports of entry are places (seaports, airports, or land border ports) designated by the Secretary of the Treasury where Customs officers or employees are assigned to accept entries of merchandise, clear

passengers, collect duties and enforce the various provisions of Customs and related laws.

The Secretary of the Treasury is advised by the Commissioner of Customs in matters affecting the establishment, abolishment, or other change in ports of entry. The Commissioner coordinates these matters with other Federal inspection agencies, and, when appropriate, with Canadian or Mexican officials. Staffing at ports of entry may range from one to several hundred employees, depending upon the volume of business. However, most new ports of entry are staffed by at least a port director, one or more inspectors, and a secretary.

Customs ports of entry are established under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101–5 (47 FR 2449).

Customs Stations

Customs stations are places other than ports of entry where Customs officers or employees are placed for the purpose of entering and clearing vessels and other carriers, accepting entries of merchandise, examining baggage, collecting duties, and enforcing the various provisions of Customs laws and related laws. Stations may be established or terminated by the Commissioner of Customs.

The significant difference between ports of entry and stations is that, at stations, the Federal Government is reimbursed for:

(1) The salaries and expenses of its officers or employees for services rendered in connection with the entry or clearance of vessels; and

(2) Except as otherwise provided by the Customs Regulations, the expenses (including any per diem allowed in lieu of subsistence), but not the salaries of its officers or employees, for services rendered in connection with the entry or delivery of merchandise.

Customs stations are established under the authority of section 1, 37 Stat. 434, section 301, 80 Stat. 379; 5 U.S.C. 301, 19 U.S.C. 1.

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to importers, carriers, and the public, the Customs Service has established a Customs station at Galliano, Louisiana. The Galliano Customs station provides service to the Louisiana Offshore Oil Port (LOOP), which has its control center there. Services performed by Customs personnel at Galliano include the handling of entries, checking of required licenses, and physical supervision of the return of equipment and vessels from the LOOP.

To reflect the establishment of the Galliano Customs station, it is necessary to amend § 101.4(c), Customs Regulations (19 CFR 101.4(c)), which lists the designated Customs stations, the ports of entry having supervision over the stations, and the districts in which they are located.

List of Subjects in 19 CFR Part 101

Harbors, Organization and functions (government agencies), and Seals and insignia.

Amendment to the Regulations

PART 101—GENERAL PROVISIONS

§ 101.4 [Amended]

Section 101.4(c) is amended by adding "Galliano, La." in the column headed "Customs stations" immediately opposite "New Orleans, La." in the column headed "District," and by adding "Morgan City." on the same line in the column headed "Port of entry having supervision."

(R.S. 251, as amended, section 1, 37 Stat. 434, sec. 624, 46 Stat. 759, sec. 301, 80 Stat. 379 (5 U.S.C. 301, 19 U.S.C. 1, 66, 1624))

Inapplicability of Delayed Effective Date and Notice Requirement

Because the subject matter of this document does not constitute a departure from established policy or procedure and the establishment of a Customs station confers a benefit on the public by increasing the availability of service, pursuant to 5 U.S.C. 553(d), a delayed effective date is not required. The subject matter of this document relates solely to agency organization. Accordingly, pursuant to 5 U.S.C. 553(b)(A), notice and public procedure are not required.

Executive Order 12291 and Regulatory Flexibility Act

Because this amendment is not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, a regulatory impact analysis is not required. Further, because notice and public procedure are not required, this document is not subject to the provisions of Pub. L. 96–354, the Regulatory Flexibility Act.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: June 7, 1982.

Alfred R. De Angelus,

Deputy Commissioner of Customs.

[FR Doc. 82-22055 Filed 8-12-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Office of the Secretary

20 CFR Part 684

29 CFR Part 2

Subpoenas Served on Departmental Employees; Procedures To Be Followed; Affirmation of Revocations

AGENCY: Office of Workers' Compensation Programs and Office of the Secretary, Labor.

ACTION: Affirmation of revocation of rules.

SUMMARY: On October 6, 1981 (46 FR 49542) the Department published final rules concerning employees' responses to subpoenas with a request for comment. Comments were sought, by November 5, 1981, on the Department's action of revoking 20 CFR 684.95(d) and 29 CFR 2.4. This document is to announce that no comments were received concerning the revocation action, and therefore, this revocation action is affirmed.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Sofia P. Petters, Counsel for Administrative Legal Services, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, NW., Room N–2428, Washington, D.C. 20210; Telephone (202) 523–8188.

SUPPLEMENTARY INFORMATION: On October 6, 1981 (46 FR 49542) the Department issued final rules which established one procedure to be followed by all Labor Department employees who receive subpoenas calling for the production of records or othe materials, or the disclosure of information.

This action was necessary because an increasing number of subpoenas were being served on Departmental employees, and there was a lack of a uniform Departmental policy for responding to such subpoenas.

At the time of the publication of the final rule on October 6, 1981, the Department noted that two regulations were not identified in the original proposal published on January 23, 1981 (46 FR 7392), i.e., 20 CFR 684.95(d) and 29 CFR 2.4, as being among regulations which were to be revoked. These sections set forth procedures for responding to subpoenas by employees of the Bureau of Labor Statistics and of the Employment and Training Administration. The Department noted that if these sections were not revoked it would thwart the intended purpose of the proposed rule.

This document is to announce that no comments were received on the revocation. Accordingly, the revocation of 20 CFR 684.95(d) and 29 CFR 2.4 is affirmed.

List of Subjects

20 CFR Part 684

Community development, Employment, Employment and Training Administration, Grant programs—labor, Job Corps, Labor, Manpower training programs, Religious discrimination, Reporting requirements, Tort claims, Unemployment, Vocational rehabilitation, Youth.

29 CFR Part 2

Government employees (8), Administrative practice and procedure (8) Bureau of Labor Statistics.

Signed at Washington, D.C. this 9th day of August, 1982.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 82-22122 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Ch. I

[Docket No. 78N-0158]

Uniform Effective Date for Food Labeling Regulations; Notice to Manufacturers, Packers, and Distributors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is establishing July 1, 1985 as its new uniform effective date for compliance with all FDA final food labeling regulations that are published in the **Federal Register** after August 13, 1982 and before July 1, 1984.

FDA periodically has announced uniform effective dates for compliance with new food labeling requirements because the economic impact of requiring individual label changes on separate dates would probable be substantial. In addition, industry needs sufficient lead time to make label changes and the current uniform effective date of July 1, 1983 is less than 1 year away. Therefore, the agency has concluded that a new uniform effective date should be established.

EFFECTIVE DATE: July 1, 1985 for compliance with food labeling regulations published after August 13, 1982 and before July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Robert L. Lake, Bureau of Foods (HFF-302), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1254.

SUPPLEMENTARY INFORMATION: FDA periodically issues various regulations requiring changes in labeling for packaged food. If these labeling changes were individually required on separate dates, the cumulative economic impact on the food industry of frequent changes would probably be substantial. Therefore, the agency periodically has announced uniform effective dates for compliance with new food labeling requirements (e.g., the **Federal Register** of October 31, 1980 (45 FR 72111)). Use of a uniform effective date also provides for an orderly and economical industry adjustment to new labeling requirements by allowing sufficient lead time to plan for the use of existing label inventories and the development of new labeling materials. The agency believes that this policy serves consumers' interest as well because the increased cost of multiple short-term label revisions that would otherwise occur would likely be passed on to consumers in the form of higher food prices.

The agency has decided that a new uniform effective date of July 1, 1985 should be established for future FDA regulations requiring changes in food labels where special circumstances do not justify a different effective date. Action is appropriate now because the current uniform effective date is less than 1 year away. The agency has selected July 1, 1985 to ensure adequate time for implementation of any changes in food labeling that may be required by FDA final regulations published after August 13, 1982 and before July 1, 1984.

The agency encourages industry, however, to comply with new labeling regulations earlier than the required date wherever this is feasible. Thus, when industry members voluntarily change their labels, FDA believes that it is appropriate that they incorporate any new requirements which have been published as final regulations up to that time.

The new uniform effective date will apply only to final FDA food labeling regulations published after August 13, 1982 and before July 1, 1984. Those regulations will specifically identify July 1, 1985 as their effective date for compliance. If any food labeling regulation involves special circumstances that justify an effective date other than July 1, 1985, the agency will determine for that regulation an appropriate effective date that will be specified when the regulation is published.

This notice is not intended to change existing requirements. Therefore, all final FDA food labeling regulations previously published in the **Federal Register** that announced July 1, 1983 as their effective date will still go into effect on that date. Final regulations published in the **Federal Register** with effective dates earlier than July 1, 1983 (e.g., July 1, 1981) are also unaffected by this notice.

The current uniform effective date of July 1, 1983 for new final regulations affecting the labeling of food products was announced in the **Federal Register** of October 31, 1980 (45 FR 72111). Foods initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1983 are still required to comply with any final FDA regulations that identify July 1, 1983 as their effective date for compliance.

Dated: August 6, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82-21886 Filed 8-12-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Diethylcarbamazine Citrate Syrup

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by E. R. Squibb & Sons, Inc., providing for safe and effective use of diethylcarbamazine citrate syrup for prevention of heartworm and ascarid infections in dogs and treatment of ascarid infections in dogs and cats.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540, filed NADA 131–808 providing for use of Dirocide Syrup (60 milligrams of diethylcarbamazine citrate U.S.P. per milliliter) for prevention of infection with *Dirofilaria immitis* (heartworm disease) and ascarid infections caused by *Toxocara canis* and *Toxascaris leonina* in dogs and for treatment of ascarid infections caused by *T. canis* and *T. leonina* in dogs and *T. cati* in cats.

Approval of this NADA relies on safety and effectiveness data contained in Babineaux's Veterinary Products' approved NADA 46–147. Babineaux has authorized use of the data in NADA 46–147 to support approval of this NADA. This approval does not change the approved use of the drug.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as would approval of a Category II supplemental NADA and does not require reevaluation of the safety and effectiveness data in NADA 46–147.

The application is approved and the regulations are amended accordingly.

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

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

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

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.622b by revising paragraph (a)(2), to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.622b Diethylcarbamazine citrate syrup.

(a) * * *

(2) *Sponsor.* See Nos. 000003 and 021188 in § 510.600(c) of this chapter.

* * * * *

Effective date: August 13, 1982.

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

Dated: August 6, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82–21975 Filed 8–12–82; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Monensin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Central Soya Co., Inc., providing for safe and effective use of monensin premixes for making complete chicken feeds.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV–149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: Central Soya Co., Inc., 1300 Fort Wayne Bank Bldg., Fort Wayne, IN 46802, is sponsor of NADA 119–546 which provides for manufacturing premixes for export which contain 265.5 or 281.7 grams of monensin per ton for use in making complete feeds for broiler chickens. The feeds are used as an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*

Approval of this NADA relies upon safety and effectiveness data contained in Elanco Products Co.'s approved NADA's 38–878, 95–735, and 41–500. Elanco has authorized use of the data in these NADA's to support NADA 119–546. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as would approval of a Category II supplemental NADA and does not require reevaluation of the safety and effectiveness data in NADA's 38–878, 95–735, or 41–500.

The NADA is approved and the regulations are amended accordingly.

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

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.355 by adding new paragraph (b)(10), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.355 Monensin.

* * * * *

(b) * * *

(10) To 012286: 265.5 or 281.7 grams per ton for export only, paragraph (f)(1)(i) of this section.

* * * * *

Effective date: August 13, 1982.

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

Dated: August 6, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82-21976 Filed 8-12-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bacitracin Zinc

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Philips Roxane, Inc., providing for safe and effective use of premixes containing 5 and 50 grams of bacitracin zinc per pound to manufacture complete chicken feeds for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301-443-4317.

SUPPLEMENTARY INFORMATION: Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, filed NADA 128-550 providing for use of its premix products Zinc Bacitracin 5 and 50 (5 and 50 grams of bacitracin zinc per pound) to manufacture complete chicken feeds containing 4 to 50 grams of the drug per ton for increased rate of weight gain and improved feed efficiency. Philips Roxane's premixes are similar to International Minerals & Chemical Corp.'s (IMC) 10-, 25-, and 50-gram-per-pound bacitracin zinc premixes (Baciferm-10, -25, and -50) which were subjects of a National Academy of Sciences/National Research Council (NAS/NRC) review. A Drug Efficacy Study Implementation (DESI) notice of FDA's evaluation of the NAS/NRC review published in the **Federal Register** of July 17, 1970 (35 FR 11531), as amended in the **Federal Register** of October 2, 1970 (35 FR 15408). The notice stated that NAS/NRC had evaluated the bacitracin-containing products and found them probably effective for faster weight gains and improved feed efficiency in poultry. The agency concluded that antibiotics that carry the claim for growth promotion and feed efficiency, and that were judged as probably effective for those claims by NAS/NRC, can be moved into the effective category if the claim is rephrased to read "For increased rate of weight gain and improved feed efficiency."

Provisions for use of IMC's bacitracin zinc premixes for making complete feeds containing 4 to 50 grams of the drug per ton for increased rate of weight gain and improved feed efficiency in growing chickens, turkeys, and pheasants are codified in § 558.78 (21 CFR 558.78). That regulation contains a footnote reference specifying that approval of NADA's for identical or similar products for these conditions of use may be obtained through submission of bioequivalency data in lieu of effectiveness data as specified by 21 CFR 514.111.

Philips Roxane submitted data from a necrotic enteritis challenge study that establishes bioequivalency between its premixes and IMC's. Additionally, Philips Roxane's conditions of use are the same as those considered effective by FDA and indicated as such in § 558.78. Furthermore, a drug residue depletion study involving edible tissues from birds fed 50 grams of Philips Roxame's bacitracin zinc per ton of feed detected no bacitracin residues using official assay methodology. Accordingly, the NADA is approved based on bioequivalency between the NAS/NRC reviewed IMC premixes and those of Philips Roxane, and § 558.78 is amended to reflect the approval.

Approval of this application poses no increased human risk from exposure to residues of the new animal drug bacitracin zinc because the number of food-producing animals receiving the drug will not significantly increase and the drug is already regulated at the requested range for this use. Accordingly, this approval did not require a complete reevaluation of the human safety data supporting the drug's use.

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

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

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

List of Subjects in 21 CFR Part 558

Animal drugs; Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.78 by adding new paragraph (a)(3), to read as follows:

§ 558.78 Bacitracin zinc.

(a) * * *

(3) Premix levels of 5 and 50 grams of bacitracin zinc per pound to 000010 in § 510.600(c) of this chapter for use in chickens only as in paragraph (e)(1)(i)2 of this section.

* * * * *

Effective date: August 13, 1982.

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

Dated: August 6, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82-21970 Filed 8-12-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds: Amprolium and Bambermycins

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by American Hoechst Corp. providing for safe and effective use of a complete turkey feed manufactured with separately approved amprolium and bambermycins premixes. The feed is used for prevention of coccidiosis, increased rate of weight gain, and improved feed efficiency in young turkeys.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857; 301–443–4317.

SUPPLEMENTARY INFORMATION: American Hoechst Corp., Animal Health Division, Rt. 202–206 North, Somerville, NJ 08876, filed an NADA (130–185) providing for use of amprolium at 113.5 grams per ton (0.0125 percent) in combination with bambermycins at 1 to 4 grams per ton in complete feeds for young turkeys for prevention of coccidiosis, increased rate of weight gain, and improved feed efficiency. The firm submitted data and information to comply with the requirements of the Bureau of Veterinary Medicine's combination drug guidelines and other requirements for approval of an NADA. The NADA is approved and the regulations are amended to reflect this approval.

Approval of this NADA relies in part upon safety data contained in American Hoechst's NADA 44–759 for bambermycins, and Merck Sharp and Dohme Research Laboratories' NADA 12–350 for amprolium. Use of those data to support this NADA has been authorized by both firms. Residue depletion data have shown that levels and persistence of residues from each drug are not affected by use of the drugs in combination with the increased level of bambermycins. Bambermycins are currently permitted at levels up to 2 grams per ton in turkey feed. Levels up to 4 grams per ton will not significantly alter the levels or distribution of residues of bambermycins in edible tissue of turkeys. Therefore, this approval poses no increased risk in frequency of human exposure to residues of the drug.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977) this NADA has been treated as a Category II supplement which did not require a complete reevaluation of the underlying human safety data in NADA's 12–350 and 44–759.

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

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)) may be seen in the Dockets Management Branch (address above).

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

List of Subjects in 21 CFR Part 558

Animal drugs; Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

1. In § 558.55 by alphabetically adding a new bambermycins subitem to paragraph (e)(2)(iii) to read as follows:

§ 558.55 Amprolium.

* * * * *

(e) * * *

(2) * * *

Amprolium in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(iii) * * *				
*	*	*	*	*
	Bambermycins 1 to 4	Growing turkeys; prevention of coccidiosis; increased rate of weight gain and improved feed efficiency.	Feed continuously as the sole source of amprolium; bambermycins as provided by No. 102799 in § 510.600(c) of this chapter.	012799
*	*	*	*	*

2. In § 558.95 by adding new paragraph (e)(3)(iii) to read as follows:

§ 558.95 Bambermycins.

* * * * *

(e) * * *

(3) * * *

(iii) *Amount per ton.* Bambermycins, 1 to 4 grams plus amprolium, 113.5 grams (.0125 percent).

(*a*) *Indications for use.* For prevention of coccidiosis; for increased rate of weight gain and improved feed efficiency.

(*b*) *Limitations.* Feed continously as the sole source of amprolium; amprolium as provided by No. 000006 in § 510.600(c) of this chapter.

Effective date: August 13, 1982.

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

Dated: August 6, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82-21974 Filed 8-12-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 20

[T.D. 7825]

Estate Taxes; Estates of Decedents Dying After August 16, 1954; Gift Taxes; Transfer Certificates in Nonresident Estates

AGENCY: Internal Reveune Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the necessity of obtaining a transfer certificate in certain estates of nonresident decedents. The amendment provides guidance to the public for compliance with the law and other persons who have actual or constructive possession of certain shares of stock registered in the name of a nonresident decedent.

DATES: The amendment is effective for estates of decedents dying on or after January 1, 1977.

FOR FURTHER INFORMATION CONTACT: Annie R. Alexander of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3287), not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On June 24, 1981, the **Federal Register** published proposed amendments to the Estate Tax Regulations (26 CFR Part 20) under section 6325 of the Internal Revenue Code of 1954 (Code) (46 FR 32598). This amendment was proposed to provide that a transfer certificate is required in certain situations to transfer property of a nonresident decedent without liability. Section 20.6325–1(b)(1)(i) currently provides an exception and specifies that a transfer certificate is not required in the estate of a nonresident who is not a citizen of the United States dying on or after November 14, 1966, if the value on the date of death of the gross estate situated in the United States does not exceed $30,000. To make the regulations consistent with changes made to section 6018(a)(2) by section 2001(c)(1)(J)(ii) of the Tax Reform Act of 1976 (90 Stat. 1850), the amendment to the regulations will provide that a transfer certificate is not required if the gross estate of a nonresident who is not a citizen does not exceed the lesser of $60,000 or $60,000 reduced by the adjustments required by section 6018 (a) (4) for certain taxable gifts made by the decedent and for the aggregate amount of certain specific exemptions.

Because transferors of property may have relied upon the flat $30,000 value requirement of existing § 20.6325–1(b)(1) in determining that demand for, and receipt of, a transfer certificate was unnecessary in the case of decedents dying on or after January 1, 1977 without regard to the adjustments now required by section 6018(a)(4) of the Code, the proposed regulations permitted application of existing § 20.6325–1(b)(1) to determinations made with respect to transfers of property made before the date the proposed regulations were published.

Summary of Comments

Only one comment was received, and the commentor suggested raising the limit for the estate exemption for nonresident aliens to $72,200 instead of $60,000. After considering this comment, the notice of proposed rulemaking is adopted without change because the suggested change is inconsistent with legislative intent and contrary to the statute.

Regulatory Flexibility Act And Executive Order 12291

The Commissioner of Internal Revenue has determined that this (proposed) (final) rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirement of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principle author of this regulation is Annie R. Alexander of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR Part 20

Estate taxes.

Adoption of amendments to the regulation. Accordingly, 26 CFR Part 20 is amended by adopting, without change as set forth below, the regulations proposed as a notice of proposed rulemaking published in the **Federal Register** on June 24, 1981 (46 FR 32594).

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: July 20, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

Amendments To The Regulations

The amendments to 26 CFR Part 20 are as follows:

PART 20—ESTATE TAX

Section 20.6325–1 is amended as follows:

a. Paragraphs (b)(1) and (b)(2) are revised to read as set forth below.

b. Paragraph (b)(3) is amended by removing "subparagraph (1) or subparagraph [2](i) of this paragraph" and inserting in lieu thereof "paragraph (b) (1) and (2) of this section".

§ 20.6325–1 Release of lien or partial discharge of property, transfer certificates in non-resident estates.

* * * * *

(b)(1) Subject to the provisions of paragraph (b)(2) of this section—

(i) In the case of a nonresident not a citizen of the United States dying on or after January 1, 1977, a transfer certificate is not required with respect to the transfer of any property of the decedent if the value on the date of death of that part of the decedent's gross estate situated in the United States did not exceed the lesser of $60,000 or $60,000 reduced by the adjustments, if any, required by section 6018(a)(4) for certain taxable gifts made by the decedent and for the aggregate amount of certain specific exemptions.

(ii) In the case of a nonresident not a citizen of the United States dying on or after November 14, 1966, a transfer certificate is not required with respect to the transfer before June 24, 1981 of any property of the decedent if the value on the date of death of that part of the decedent's gross estate situated in the United States did not exceed $30,000.

(2)(i) If the transfer of the estate is subject to the tax imposed by section 2107(a) (relating to expatriation to avoid tax), any amounts which are includible in the decedent's gross estate under section 2107(b) must be added to the date of death value of the decedent's gross estate situated in the United States to determine the value on the date of death of the decedent's gross estate for purposes of paragraph (b)(1) of this section.

(ii) If the transfer of the estate is subject to tax pursuant to a Presidential proclamation made under section 2108(a) (relating to Presidential proclamations of the application of pre-1967 estate tax provisions), a transfer certificate is not required with respect to the transfer of any property of the decedent if the value on the date of death of that part of the decedent's gross estate situated in the United States did not exceed $2,000.

* * * * *

[FR Doc. 82-21854 Filed 8-12-82; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Noise Exposure; Hearing Conservation Amendment

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of deferral of deadline.

SUMMARY: The Occupational Safety and Health Administration (OSHA) has decided to defer the August 22, 1982 deadline for employers to obtain employee baseline audiograms under 29

CFR 1910.95(s)(3). A new deadline will be contained in the revised hearing conservation amendment which is to be published shortly.

DATE: This deferral is effective August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Department of Labor, OSHA, Office of Public Affairs, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (202–523–8151).

SUPPLEMENTARY INFORMATION: On January 16, 1981 OSHA published an amendment to its occupational noise exposure standard (46 FR 4078) requiring hearing conservation programs for all employees whose noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels (dB). The amendment was to become effective on April 15, 1981, with various provisions being phased in over a two year period. OSHA deferred the effective date of the amendment until August 22, 1981 in order to give the Agency time to evaluate numerous requests for clarification and petitions for administrative stay.

On August 21, 1981 (46 FR 42622) OSHA lifted the administrative stay on many provisions of the amendment. One of the provisions going into effect on that date required employers to complete baseline audiograms by August 22, 1982.

OSHA subsequently received a number of requests for extensions of the time allowed to obtain baseline audiograms. Some commenters indicated that they needed more time to comply for various practical and resource reasons. Others stated that OSHA's final decisions on critical technical issues were necessary before baseline audiograms could be obtained.

OSHA is evaluating these comments along with other comments concerning various aspects of the hearing conservation amendment and plans to publish a comprehensive document soon. However, publication of the comprehensive document will not precede the current August 22, 1982 deadline date for baseline audiograms.

Therefore, since OSHA agrees with the need for an extension of this deadline, the agency has decided to defer the deadline pending publication of the comprehensive hearing conservation document. That document will contain a full discussion of issues concerning the baseline audiogram requirement, and will establish a new deadline date. Since this deferral of the deadline is necessitated by the delay in publication of the revised hearing conservation amendment, and since that document will contain a full discussion of the issues concerning baseline audiograms including the reasons for the new deadline, no separate notice and comment on this deferral are required.

(Secs. 4, 6, 8, 84 Stat. 1592, 1593, 1599 (29 U.S.C. 653, 655, 657); 5 U.S.C. 553; Secretary of Labor's Order No. 8–76 (41 FR 25059))

Signed at Washington, D.C., this 10th day of August 1982.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 82–21946 Filed 8–12–82; 8:45 am]

BILLING CODE 4510–26–M

VETERANS ADMINISTRATION

38 CFR Part 36

Decrease in Maximum Permissible Interest Rates on Guaranteed Mobile Home Loans, Home and Condominium Loans, and Home Improvement Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is decreasing the maximum interest rates on guaranteed mobile home unit loans, lot loans, and combination mobile home unit and lot loans. In addition, the maximum interest rates applicable to home and condominium loans, and to home improvement and energy conservation loans are also decreased. These decreases in interest rates are possible because of recent improvements in the availability of funds in various credit markets. The decrease in the interest rates will allow eligible veterans to obtain loans at a lower monthly cost.

EFFECTIVE DATE: August 9, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420 (202–389–3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by section 1819(f), title 38, United States Code, to establish maximum interest rates for mobile home loans guaranteed by the VA as he finds the mobile home loan capital markets demand. Recent market indicators—including the prime rate, the general decrease in interest rates charged on conventional mobile home loans, and the decrease of other short-term and long-term interest rates—have shown that the mobile home capital markets have improved. It is now possible to decrease the interest rates on mobile home unit loans, lot loans, and combination mobile home unit and lot loans while still assuring an adequate supply of funds from lenders and investors to make these types of VA loans.

The Administrator is also required by section 1803(c), title 38, United States Code, to establish maximum interest rates for home and condominium loans and for loans for home improvement purposes. Market indicators similarly favor reductions in the maximum interest rates for these types of loans. These lower interest rates should assist more veterans in the purchase of homes and condominiums or to obtain improvement loans because of the decrease in the monthly loan payments for principal and interest.

The Administrator's statutory authority to establish interest rates has been delegated by 38 CFR 2.6(b)(3) to the Chief Benefits Director, Deputy Chief Benefits Director, or person authorized to act for them.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 **Federal Register** (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they are not "major rules" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process permits timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured or direct loans would deny veterans the benefit of lower interest rates pending the final rule publication date which

would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113, 64.114, and 64.119)

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1), 1811(d)(1) and 1819 (f) and (g) of title 38, United States Code and delegated to the undersigned by 38 CFR 2.6(b)(3). The regulations are clearly within that statutory authority and are consistent with Congressional intent.

These decreases are accomplished by amending sections 36.4212(a) (1), (2), and (3), and 36.4311 (a), (b), and 36.4503(a), title 38, Code of Federal Regulations.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Mobile homes, Veterans.

Approved: August 6, 1982.

By direction of the Administrator.

John W. Hagan, Jr.,

Deputy Chief Benefits Director.

PART 36—LOAN GUARANTY

The Veterans Administration is amending 38 CFR Part 36 as follows:

1. In § 36.4212, paragraph (a) is revised as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to the respective effective date (38 U.S.C. 1819(f)):

(1) Effective August 9, 1982, 17 percent simple interest per annum for a loan which finances the purchase of a mobile home unit only.

(2) Effective August 9, 1982, 16½ percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective August 9, 1982, 16½ percent simple interest per annum for a loan which will finance the simultaneous acquisition of a mobile home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the mobile home.

* * * * *

2. In § 36.4311, paragraphs (a) and (b) are revised as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 15 per centum per annum, effective August 9, 1982, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 15½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Effective August 9, 1982, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs which is guaranteed or insured wholly or in part on or after such date may not exceed 15½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

* * * * *

3. In § 36.4503, paragraph (a) is revised as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 15 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 15½ percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

[FR Doc. 82-22063 Filed 8-12-82; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL 2164-2]

Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves a consolidated permit and emissions trading program for the State of Oregon. This program consists of four rules which together require a permit to construct, modify or operate for new and existing sources, set fees for permit processing and annual compliance determinations, establish emissions banking and offset programs, and allow for alternative emission controls (bubbles). These rules were submitted by the State of Oregon Department of Environmental Quality as revisions to the State Implementation Plan to satisfy the permitting requirements of Section 110, Part C and D of the Clean Air Act (hereinafter the Act) and to establish an emissions trading program.

EPA's approval authorizes the State of Oregon to issue all of the permits required under part 110, Part C and Part D of the Act and to approve emissions trading transactions (emission offsets, banking of emission reduction credits, and most alternative emission control (bubbles)) without the need for case-by-case Federal approval.

EFFECTIVE DATE: August 13, 1982.

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

Central Docket Section (10A-81-2), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101-3188

State or Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97207

The Office of Federal Register, 1101 L Street NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101-3188, Telephone (206) 442-1980, (FTS) 399-1980.

SUPPLEMENTAL INFORMATION:

Background

On February 15, 1977, July 24, 1979 and May 22, 1981 the Oregon Department of Environmental Quality (DEQ) submitted amendments to their Air Contaminant Discharge Permit Rules as revisions to the Oregon State Implementation Plan (SIP). On June 20, 1979 and September 9, 1981 DEQ submitted Prevention of Significant Deterioration Rules as revisions to the Oregon SIP. Also on September 9, 1981 DEQ submitted New Source Review

Rules and amended Plant Site Emission Limit Rules as revisions to the Oregon SIP. On April 27, 1982 EPA proposed in the **Federal Register** (47 FR 18004) to approve these rules and amendments (except for two definitions in the New Source Review Rules), with the understanding that DEQ would submit a revised definition of "nonattainment area." EPA proposed to take no action on the definitions of "dispersion technique" and "good engineering practice stack height." Furthermore, EPA proposed to add language to 40 CFR Part 52, Subpart MM which would recognize all Air Contaminant Discharge Permits, except those involving large sulfur dioxide and total suspended particulate bubbles, issued by the State pursuant to Federally-approved SIP rules, as the applicable requirements of the Federally-approved Oregon SIP.

Response to Comments

One commentor opposed EPA's proposed approval of the New Source Review and Plant Site Emission Limit rules on the grounds that they would include marine vessel emissions in the review of some stationary sources. In support of its position, the commentor cited EPA's stay and proposed revisions to SIP new source review requirements relating to marine vessel emissions (46 FR 61613, December 17, 1981). (Subsequently, the revisions to the SIP regulations were made final (47 FR 27554, June 25, 1982).) Furthermore, the commentor questioned the State's authority to impose these types of regulations on vessels on the grounds that States have been preempted from doing so by Federal legislation.

EPA agrees that the State's New Source Review Rules would include marine vessel emissions in the review of new or modified major sources. EPA also agrees that, under the former stay, and under the revised EPA regulation it cannot require State NSR programs to include vessel emissions, although the revised rules do not preclude States from voluntarily requesting approval of such provisions. However, the question of the preemption of States' authority to include vessel emissions in stationary source reviews has not yet been answered. EPA is actively considering this question. EPA is therefore deferring action on the New Source Review Rules, to the extent that they apply to marine vessel emissions, until the issue of State authority is resolved. It should be noted, however, that this deferral does not affect the applicability of the State rules for purposes of State law.

EPA, however, does not agree that it should withhold approval of the Plant Site Emission Limit Rules for two reasons:

(1) EPA previously approved the DEQ Plant Site Emission Limit Rules on June 24, 1980 (45 FR 42265). The issue of marine vessel emissions is not within the scope of the amendments to these rules which EPA proposed to approve on April 27, 1982. As stated in the December 17, 1981 notice announcing the stay and proposed rule revisions (46 FR 61617), EPA does not intend to change the status of any State-adopted program which it has already approved; and

(2) The Plant Site Emission Limit Rules are not a new source review program. Rather, they establish emission limits for all sources as necessary to attain and maintain National Ambient Air Quality Standards and PSD increments. As such, EPA's former stay and the new final revisions to EPA's NSR requirements do not affect the Plant Site Emission Limit rules.

Therefore, EPA is approving the amendments to the State's Plant Site Emission Limit Rules.

Summary of Action

EPA today is approving the following as revisions to the Oregon SIP:

(1) Amendments to the Air Contaminant Discharge Permit Rules submitted on February 15, 1977 (Oregon Administrative Rules, Chapter 340, Division 20, Sections 140 through 185), July 24, 1979 (Oregon Administrative Rules, Chapter 340, Division 20, Sections 155 Table A, 165, 175 and 180) and May 22, 1981 (Oregon Administrative Rules, Chapter 340, Division 20, Section 155 Table A);

(2) Prevention of Significant Deterioration Rules, submitted on June 20, 1979 and September 9, 1981 (Oregon Administrative Rules, Chapter 340, Division 31, Sections 100, 105 subsections (12), (15), and (16), 110, 115, 120 and 130);

(3) New Source Review Rules submitted on September 9, 1981 (Oregon Administrative Rules, Chapter 340, Division 20, Sections 220 to 275) except to the extent that they apply to marine vessel emissions and except the definitions of "dispersion technique" and "good engineering practice stack height" (Section 225, subsections 7 and 11). This approval is made with the understanding the DEQ will submit a revised definition of nonattainment area which includes areas designated under Section 107(d) of the Act. These rules replace the previously approved Special Permit Requirements for Sources Locating In or Near Attainment Areas (Oregon Administrative Rules, Chapter 340, Division, 20, Sections 190 through 195); and

(4) Amended Plant Site Emission Limit Rules submitted on September 9, 1981 (Oregon Administration Rules, Chapter 340, Division 20, Sections 300 through 320) as a revision to the Oregon SIP, replacing the previously approved Plant Site Emission Limit Rules (Oregon Administrative Rules, Chapter 340, Division 20, Sections 196 and 197).

Through this approval action, EPA recognizes that only State permits, issued pursuant to the Federally-approved Air Contaminant Discharge Permit and New Source Review rules, are necessary for the construction, operation or modification of stationary sources as required by section 110, Part C (PSD) and Part D (pertaining to nonattainment areas) of the Act. Furthermore, EPA recognizes that most State permits, issued pursuant to Federally-approved Air Contaminant Discharge Permit, New Source Review and Plant Site Emission Limit rules, are revisions to the Federally-approved SIP and are enforceable by EPA, at the time of permit issuance and do not require case-by-case EPA approvals. This includes all emissions trading actions (netting, offsets, banking and bubbles) except Alternative Emission Limits (Bubble) for sulfur dioxide or total suspended particulates which involve trades where the sum of the increases in emissions exceeds 100 tons per year. Readers are directed to the April 27, 1982 **Federal Register** for additional information.

EPA finds that good cause exists for making the action in this Notice immediately effective for the following reasons: (1) The public has had adequate notice of the guidelines for preparation of State Implementation Plans and has had several opportunities to comment on those guidelines; and (2) the impact of this rulemaking is limited only to the state of Oregon.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under sections 110 and 172 of the Act do not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). A portion of this action constitutes a SIP approval under Section 161 of the Act. Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator hereby certifies that SIP approvals under Section 161 of the Act will not have a significant impact on a substantial number of small entities.

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 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))

(Sections 110(a), 160 to 169, 171 to 173 and 301(a) of the Clean Air Act (42 U.S.C. 7410(a), 7470 to 7479, 7501 to 7503 and 7601(a).)

List of Subjects in 40 CFR Part 52

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

Dated: August 6, 1982.

Anne M. Gorsuch,

Administrator.

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

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. In § 52.1970, paragraphs (c)(51) through (54) are added as set forth below:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(51) Amendments to the Air Contaminant Discharge Permit Rules submitted by the State Department of Environmental Quality on February 15, 1977 (OAR 340–20–140 through 185), July 24, 1979 (OAR 340–20–155 Table A, 165, 175 and 180) and May 22, 1981 (OAR 340–20–155 Table A).

(52) Prevention of Significant Deterioration Rules (OAR 340–31–100, 105 subsections (12), (15) and (16), 110, 115, 120 and 130) submitted by the State Department of Environmental Quality on June 20, 1979 and September 9, 1981.

(53) New Source Review Rules (OAR 340–20–220 to 275, except Section 225 subsections 7 and 11), except to the extent that they apply to marine vessel emissions, submitted by the State Department of Environmental Quality on September 9, 1981 and deletion of Special Permit Requirements for Sources Locating In or Near Nonattainment Areas (OAR 340–20–190 through 195).

(54) Plant Site Emission Limit Rules (OAR 340–20–300 through 320) submitted by the State Department of Environmental Quality on September 9, 1981 and deletion of the Plant Site Emission Limit Rules (OAR 340–20–196 and 197).

2. Section 52.1987 is revised to read as follows:

§ 52.1987 Significant deterioration of air quality.

The Oregon Department of Environmental Quality rules for preventing the significant deterioration of air quality (OAR 340–20–220 through 275 and OAR 340–31–100, 105 subsections (12), (15) and (16), 110, 115, 120 and 130) are approved as meeting the requirements of Part C.

3. A new § 52.1988 is added to subpart MM as follows:

§ 52.1988 Air contaminant discharge permits.

Emission limitations and other provisions contained in Air Contaminant Discharge Permits issued by the State in accordance with the provisions of the Federally-approved Air Contaminant Discharge Permit Rules (OAR 340–20–140 through 185), New Source Review Rules (OAR 340–20–220 through 275) and Plant Site Emission Limit Rules (OAR 340–20–300 through 320), except Alternative Emission Limits (Bubble) for sulfur dioxide or total suspended particulates which involve trades where the sum of the increases in emissions exceeds 100 tons per year, shall be the applicable requirements of the Federally-approved oregon SIP (in lieu of any other provisions) for the purposes of Section 113 of the Clean Air Act and shall be enforceable by EPA and by any person in the same manner as other requirements of the SIP.

[FR Doc. 82–22064 Filed 8–12–82; 8:45 am]
BILLING CODE 6560–01–M

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40 CFR Part 52

[A 6–FRL 2128–2]

Approval and Promulgation of Revisions to the Texas State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This action approves revisions to Regulation VI, "Control of Air Pollution by Permits for New Construction or Modification", of the Texas State Implementation Plan (SIP). The revisions were submitted by the Governor of Texas in four packages on May 9, 1975, October 13, 1978, April 13, 1979 and July 20, 1981. This notice approves these revisions to the SIP and amends title 40 of the Code of Federal Regulations (CFR) § 52.2270.

EFFECTIVE DATE: This rulemaking will be effective on October 12, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments on this action should be addressed to Donna M. Ascenzi of the EPA Region 6 Air Branch (address below). Copies of the State's submittal may be examined during normal business hours at the following locations:

EPA, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270

Texas Air Control Board, 6330 Hwy. 290 East, Austin, Texas 78723

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

The Office of the Federal Register, 1100 L Street, NW., Rm. 8401, Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, State Implementation Plan Section, Air & Waste Management Division, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On May 9, 1975, October 13, 1978, April 13, 1979 and July 20, 1981 the Governor of Texas, after adequate notice and public hearing, submitted revisions to the Texas SIP. Specifically, the State revised Regulation VI entitled "Control of Air Pollution by Permits for New Construction or Modification," of the Texas Air Control Board (TACB) Regulations.

The May 9, 1975 submittal contained revisions to Regulation VI which were submitted at the same time the State requested delegation of enforcement of new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAPS). In this regard, the State revised Rule 603 (now codified as § 116.3) to require that, in order to be granted a permit to construct or operate, the proposed facility meet any applicable NSPS or NESHAPS requirements. In addition, the State submitted numerous revisions to the remaining portions of Regulation VI. The majority of these revisions are non-substantive in nature and serve to clarify the intent of the regulation. Minor editorial changes were made, and several requirements pertaining to obtaining construction and operating permits were expanded and clarified.

The October 13, 1978 submittal contained revisions to Regulation VI which added two new subsections to Subchapter 131.08.00.003 (now codified

as § 116.3) which required that all requirements of section 129(a)(1) of the Clean Air Act Amendments (herein after referred to as the Act), pertaining to the Agency's offset policy, be met in order to obtain a construction or operating permit. In addition, a new Subchapter 131.08.00.010 (now codified as § 116.10) was added to establish public notification requirements. All revisions under this submittal were revised or deleted under subsequent submittals. Therefore, EPA considers the 1978 submittal to be superseded by the later submittals.

The April 13, 1979 submittal contained revisions to Regulation VI which had been submitted in response to the requirements of Part D of the Act. Specifically, the State revised Regulation VI to incorporate the requirements of section 173 of the Act into its permit system. All of the revisions to Regulation VI pertaining to Part D of the Act have been acted on by EPA in previous **Federal Register** notices. However, portions of Regulation VI, not related to Part D of the Act, were also revised by the State under this submittal and have not been acted on by EPA to date. In general, these revisions consisted of the deletion of several obsolete subchapters, and minor editorial changes.

The July 20, 1981 submittal contained revisions to Regulation VI. The revisions to Regulation VI consisted of changes to the public notification requirements (i.e., § 116.10) and minor editorial changes.

EPA has reviewed the State's submittals and developed an evaluation report [1] which discusses the technical aspects of the revisions in detail. This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 and TACB offices listed above.

Based on the Agency's review, EPA has determined that the revisions meet the requirements of sections 110(a)(3)(A) and 173 of the Act and is hereby approving these revisions to the Texas SIP.

In the several submittals since 1975, some portions of Regulation VI were revised more than once. The approvals in this notice are for the most recent revision to any portion of the regulation. Previous revisions to applicable sections are superseded. In addition, EPA is approving the applicable portions of Regulation VI under the most recent codification, regardless of date of submittal.

[1] EPA's Review of Texas' State Implementation Plan Revisions to the General Rules and Regulation VI, March 1982.

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 another 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 October 12, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

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

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.

List of Subjects in 40 CFR Part 52

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

This notice of final rulemaking is issued under the authority of sections 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7520.

Dated: August 6, 1982.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

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 new subparagraphs (36), (37), and (38), which read as follows:

§ 52.2270 Identification of plan

* * * * *

(c) * * *

(36) Revisions to Regulation VI (i.e., § 116.1, § 116.2, § 116.3(a), § 116.3(a)(2), the addition of §§ 116.3(a)(3), 116.3(a)(4), and 116.3(a)(5), § 116.3(a)(6), § 116.3(b)(2), the addition of §§ 116.3(b)(3), 116.3(b)(4), 116.4, and 116.5, § 116.6, § 116.7, and § 116.8) were adopted by the Texas Air Control Board on March 27, 1975 and submitted by the Governor on May 9, 1975.

(37) Revisions to Regulation VI (i.e., the deletion of 131.08.00.009) were adopted by the Texas Air Control Board on March 30, 1979 and submitted by the Governor on April 13, 1979.

(38) Revisions to Regulation VI (i.e., the deletion of 131.08.00.003(a)(3) and 131.08.00.003(a)(5), § 116.3(a)(4), § 116.3(a)(5), § 116.3(a)(9), § 116.3(a)(10), § 116.3(a)(12), and § 116.10) were adopted by the Texas Air Control Board on March 20, 1981 and submitted by the Governor on July 20, 1981.

[FR Doc. 82-22114 Filed 8-12-82; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

Health Maintenance Organizations

Correction

In FR Doc. 82-19643 appearing at page 31666 in the issue for Wednesday, July 21, 1982, please make the following corrections:

(1) On page 31667, in the third column, in § 110.603(b)(2)(i), in the tenth line, "§ 100.102" should have been "110.102".

(2) In § 110.603(b)(2)(ii), which begins on page 31667 and continues on 31668, there are numerous incorrect references to other sections. Correct the references as follows:

a. All references to § 100.105 should read "§ 110.105";

b. The reference to § 100.106 should read "§ 110.106".

c. All references to § 100.108 should read "§ 110.108".

(3) On page 31668, in the first column, in § 110.603(e), in the third line, "§ 100.105" should have read "§ 110.105".

(4) On page 31668, §§ 100.604 and 100.605 should have been numbered as §§ 110.604 and 110.605.

(5) On page 31668, in the middle column, in correctly numbered § 110.605, in paragraph (a), in the fifteenth line, "100.603" should have read "110.603".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6383]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended effective the dates listed within this rule because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identifed	Date [1]
Arkansas:					
Independence	Batesville, city of	050091B	Apr. 9, 1975, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Nov. 23, 1973, Feb. 13, 1976, Jan. 24, 1977.	Aug. 16, 1982.
Jackson	Unincorporated areas	050096B	May 5, 1975, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	June 3, 1977	Do.
California: Tehama	Corning, city of	060398B	May 9, 1975, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	May 24, 1974	Do.
Illinois:					
Schuyler	Browning, village of	170606C	Aug. 23, 1974, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Feb. 6, 1976, Aug. 23, 1974, Feb. 17, 1978.	Do.
Cook	Matteson, village of	170123C	June 25, 1974, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	June 25, 1976, Apr. 12, 1974, Aug. 18, 1978.	Do.
Indiana: Wayne	Richmond, city of	180287C	Apr. 1, 1975, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Dec. 5, 1975 May 10, 1974, July 27, 1979.	Do.
Kentucky:					
Carter	Grayson, city of	210051C	July 10, 1975, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Feb. 1, 1974, Nov. 12, 1976	Do.
Do	Olive Hill, city of	210052B	July 29, 1975, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Feb. 1, 1974, Feb. 20, 1976	Do.
Louisiana: Ascension Parish	Gonzales, city of	220015B	Apr. 6, 1973, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Sept. 14, 1973, Nov. 28, 1975	Do.
Michigan:					
Wayne	Brownstown, charter township	260218B	Aug. 23, 1974, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Aug. 23, 1974, July 16, 1976	Do.
Isabella	Mt. Pleasant, city of	260104B	May 14, 1975, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Apr. 5, 1974, Apr. 11, 1975	Do.
Missouri: Ray	Henrietta, city of	290308B	Apr. 8, 1977, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Oct. 18, 1974, Mar. 21, 1976	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identifed	Date [1]
New Hampshire: Strafford	Somersworth, city of	330151B	Feb. 6, 1982, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Feb. 21, 1975, Nov. 19, 1976	Do.
New Jersey: Middlesex	Edison, township of	340261B	Oct. 6, 1972, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Jan. 9, 1974, June 4, 1976	Do.
Gloucester	Glassboro, borough of	340203B	June 5, 1975, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	June 28, 1974, July 23, 1976	Do.
New York: Onondaga	Baldwinsville, village of	360569B	Aug. 12, 1974, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Mar. 15, 1974, Sept. 12, 1975	Do.
Do.	Elbridge, town of	360575B	Apr. 8, 1974, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	May 31, 1974, May 28, 1976	Do.
Do.	Elbridge, village of	360576B	Feb. 18, 1975, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	May 31, 1974	Do.
Do.	Jordan, village of	360580B	Dec. 3, 1974, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Apr. 12, 1974, Sept. 12, 1975	Do.
Onondaga	Marcellus, town of	360585B	Mar. 19, 1975, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	May 3, 1974, July 2, 1976	Do.
Pennsylvania: Berks	Lower Heidelberg, township of.	421077B	July 18, 1975, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Nov. 8, 1974, May 21, 1976	Do.
Do.	Perry, township of	421093B	Sept. 12, 1975, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Sept. 13, 1974, May 21, 1976	Do.
Do.	Sinking Spring, borough of	420150B	May 30, 1974, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Mar. 29, 1974, June 4, 1976	Do.
Virginia: Buchanan	Grundy, town of	510025C	Nov. 8, 1974, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	May 14, 1976, May 24, 1974, July 20, 1979.	Do.
Washington: Grays Harbor	McCleary, town of	530062B	Apr. 30, 1975, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, euspended.	May 31, 1974, Jan. 9, 1976	Do.
Wisconsin: Waukesha	Mukwonaga, village of	550485A	Feb. 18, 1975, emergency, July 5, 1982, regular, Aug. 16, 1982, suspended.	Dec. 17, 1973	Do.
Ozaukee	Port Washington, city of	550316B	June 30, 1975, emergency, Oct. 15, 1981, regular, Aug. 17, 1982, suspended.	May 31, 1974, Oct. 15, 1981	Aug. 17, 1982.
Minnesota: Anoka	Lino Lakes, city of	270015B	Apr. 30, 1976, emergency, May 17, 1982 regular, Aug. 17, 1982, suspended.	Dec. 13, 1974, May 17, 1982	Do.
New York: Onondaga	Salina, town of	360591A	July 30, 1974, emergency, Aug. 16, 1982, regular, Aug. 16, 1982, suspended.	Apr. 11, 1975	Aug. 16, 1982.

[1] Date certain Federal assistance no longer available in special flood hazard areas.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: August 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–21853 Filed 8–12–82; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–6249]

Letter of Map Amendment for the City of Fayetteville, Ark., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Fayetteville, Arkansas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Fayetteville, Arkansas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 050216 Panel 0004B, published on February 16, 1982, in 47 FR 6650, indicates that a 0.35 acre tract of land located at the Northeast corner of Highway 71 and Poplar Street in the NW¼, SW¼, of Section 3, T16N, R30W, Fayetteville, Arkansas, as recorded in Volume 893, Page 997, in the Office of the Clerk, Washington County, Arkansas is located within the Special Flood Hazard Area.

Map No. H & I 050216 Panel 0004B is hereby corrected to reflect that those portions of the above mentioned property which are above the base flood elevation of 1295.1 feet National Geodetic Vertical Datum (NGVD) are not within the Special Flood Hazard

Area identified on January 20, 1982. The portions at or above 1295.1 feet NGVD are located in Zones B and C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: August 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-21984 Filed 8-12-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Davis, California, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Davis, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Davis, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 060424 Panel 0002B, published on October 6, 1980, in 45 FR 66117, indicates that Lot 1, Lillard's Addition No. 2, Unit No. 1, Davis, California, as recorded in Map Book 5, Page 52, in the Office of the Recorder, Yolo County, California, is located within the Special Flood Hazard Area.

Map No. H & I 060424 Panel 0002B is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on November 15, 1979. This structure is in Zone B.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: August 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-21978 Filed 8-12-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6249]

Letter of Map Amendment for the City of Lancaster, California, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Lancaster, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Lancaster, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid

for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 060672 Panel 0020B, published on February 16, 1982, in 47 FR 6649, indicates that Lots 17 through 26 and 31 through 33, Tract No. 30741; and Lots 1, 2, and 25 through 45, Tract No. 30785, Lancaster, California, as recorded in Book 827, Pages 80 through 82 and Book 828, Pages 95 through 97 of Map Records, respectively, in the Office of the Recorder, Los Angeles County, California, are located within the Special Flood Hazard Area.

Map No. H & I 060672 Panel 0020B is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on January 6, 1982. These structures are in Zone C.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: August 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–21985 Filed 8–12–82; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Arvada, Colorado, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Arvada, Colorado. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Arvada, Colorado, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 085072A Panel 04 published on October 6, 1980, in 45 FR 66109, indicates that Lot 22, Block 8, Maplewood Estates, Second Filing, Arvada, Colorado, as recorded in Book 23, Page 60, in the Office of the Clerk and Recorder, Jefferson County, Colorado, is located within the Special Flood Hazard Area.

Map No. H & I 085072A Panel 04 is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on April 23, 1976. This lot is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: August 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–21979 Filed 8–12–82; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–6173]

Letter of Map Amendment for the City of Winter Haven, Florida, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Winter Haven, Florida. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Winter Haven, Florida,

that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP). P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H and I 120271, Panel 0015 B published on October 26, 1981 in 46 FR 52114 indicates that a parcel of property known as Sunny Isles in the City of Winter Haven, Florida, being in U.S. Government Lot 3, Section 29 and U.S. Government Lot 5, Section 32, Township 28 South, Range 26 East, recorded in Official Records Book 1638 at Page 920 and Official Records Book 1532 at Pages 677 through 681 in the Polk County Clerk's Office, is located within the Special Flood Hazard Area.

Map Number H and I 120271, Panel 0015 B is hereby corrected to reflect that the portions of the above-mentioned property that are at or above 133 National Geodetic Vertical Datum of 1929 (NGVD) as shown on the Topographic Map of Lands for Richard J. Hadlock, dated May 21, 1982 prepared by W. A. Read, Jr. and Associates, are not located within the Special Flood Hazard Area identified on September 30, 1981. Those portions at or above 133 feet (NGVD) are located in Zone C. However, the property would still be inundated by the base flood.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: August 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–21981 Filed 8–12–82; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Quincy, Massachusetts, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Quincy, Massachusetts. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Quincy, Massachusetts that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP), P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 255219 A Panel 04 published on October 6, 1980 in 45 FR 66021 indicates that 45 Holmes Street, Quincy, Massachusetts, recorded in Deed Book 5359, Page 621 in the Norfolk County Registry of Deeds is within the Special Flood Hazard Area.

Map Number H & I 255219 A Panel 04 is hereby corrected to reflect that the above-mentioned property identified on July 30, 1976 is located in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: August 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-21986 Filed 8-12-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Independence, Missouri, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Independence, Missouri. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Independence, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290172 Panel 0035B, published on October 6, 1980, in 45 FR 66106, indicates that Units 147 through 154 and 168 through 170, Roundtree, Independence, Missouri, recorded as Instrument Number I441753 in Plat Book 38, Page 121, in the Office of the Recorder, Jackson County, Missouri are located within the Special Flood Hazard Area.

Map No. H & I 290172 Panel 0035B is hereby corrected to reflect that the existing structures, Units 147 through 150, 153, 154, and 168 through 170 of the above mentioned property are not within the Special Flood Hazard Area identified on August 18, 1981. These structures are in Zone C.

Map No. H & I 290172 Panel 0035B is also corrected to reflect that the existing structures, Units 151 and 152 of the above mentioned property are not within the Special Flood Hazard Area identified on August 18, 1981. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: August 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-21980 Filed 8-12-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6349]

Letter of Map Amendment for the City of Henderson, Nevada, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Henderson, Nevada. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Henderson, Nevada, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 320005 Panel 0020B, published on July 13, 1982, in 45 FR 30251, indicates that Lots 2 through 7 and 33 through 35, Block 1; Lots 1

through 3, 29 through 35 and 47 through 53, Block 2; Lots 1 through 9 and 30 through 33, Block 3; Lots 1 through 36, Block 4; Lots 4 through 16, Block 5; Lots 6 through 22 and 25 through 35, Block 7; and Lots 1 through 27, Block 9, Highland Hills, Units 13 through 15; and proposed Highland Hills, Units 16 through 18, Henderson, Nevada, recorded as Instrument No. 1255493 in Book 26, Page 46 of Plats; Instrument No. 1387505 in Book 27, Page 23 of Plats; Instrument No. 1506862 in Book 27, Page 98 of Plats; and Instrument No. 1136129 in File 35, Page 50 of Surveys, Official Records Book No. 1177, respectively, in the Office of the Recorder, Clark County, Nevada, are located within the Special Flood Hazard Area.

Map No. H & I 320005 Panel 0020B is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on June 15, 1982. These lots are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: July 28, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-21983 Filed 8-12-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6349]

Letter of Map Amendment for the City of Henderson, Nevada, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Henderson, Nevada. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Henderson, Nevada, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 320005 Panels 0010B and 0015B, published on July 13, 1982, in 47 FR 30251, indicates that Lots 15 through 23, Block 8, Summerfield, Unit I; Lots 1 through 3 and 14 through 26, Block 17, Summerfield, Unit II; and Lots 15 and 16, Block 10, and Lots 1 through 16, Block 15, Summerfield, Unit IV, Henderson, Nevada, recorded as Instrument Number 1076075 in Book 25, Page 15 of Plats in Official Records Book No. 1117; Instrument Number 1195124 in Book 25, Page 97 of Plats in Official Records Book No. 1236; and Instrument Number 1305481 in Book 26, Page 75 of Plats in Official Records Book No. 1346, in the Office of the Recorder, Clark County, Nevada, are located within the Special Flood Hazard Area.

Map No. H & I 320005 Panels 0010B and 0015B, is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on June 15, 1982. These lots are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: August 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-21987 Filed 8-12-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Oklahoma City, Oklahoma, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Oklahoma City, Oklahoma. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map

for the City of Oklahoma City, Oklahoma, that certain property is not within the Speical Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 405378A Panel 38, published on October 6, 1980, in 45 FR 66095, indicates that Lots 1, 2, 7 through 13, 19, 20 and 30 through 35, Block 1; and all of Block 2, Walnut Creek Estates, Oklahoma City, Oklahoma, as recorded in Book 49, Page 42, in the Office of the Clerk, Oklahoma County, Oklahoma, are located within the Special Flood Hazard Area.

Map No. H & I 405378A Panel 38 is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on February 2, 1979. These lots are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: August 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–21977 Filed 8–12–82; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Tulsa, Oklahoma, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Oklahoma. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 405381D Panel 100, published on October 6, 1980, in 45 FR 66095, indicates that Lot 20, Amended Plat of Rockbridge Park, Tulsa, Oklahoma, recorded as Document No. 767794 in Book 4398, Page 876, in the Office of the County Clerk, Tulsa County, Oklahoma, is located within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 100 is hereby corrected to reflect that the above-mentioned lot is not within the Special Flood Hazard Area identified on August 14, 1979. This lot is in Zone B.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: August 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–21988 Filed 8–12–82; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA-6250]

Letter of Map Amendment for the City of Germantown, Tennessee, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list includes the City of Germantown, Tennessee. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Germantown, Tennessee, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP). P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H and I 470353, Panel 0005 B published on February 16, 1982 in 47 FR 6646 indicates that Lots 404, 405 and 413 of Section "D" of the Dogwood Creek Subdivision, in the City of Germantown, Tennessee, recorded in Plat Book 76 at Page 55 in the Shelby County Register's Office are located within the Special Flood Hazard Area.

Map Number H and I 470353, Panel 0005 B is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on January 20, 1982. The lots are located in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70.

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: July 26, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-21982 Filed 8-12-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[Gen. Docket No. 80-183; RM-2365; RM-2750; RM-3047; RM-3068; FCC 82-382]

Spectrum in a Certain MHz Band and To Establish Other Rules, Policies, and Procedures for One-Way Paging Stations in the Domestic Public Land Mobile Radio Service; Order Deferring Initial Filing Date for Certain Applications

AGENCY: Federal Communications Commission.

ACTION: Final rule; deferral of initial filing date for accepting applications.

SUMMARY: On April 29, 1982, the Commission adopted a *First Report and Order* in General Docket 80-183, 47 Fed. Reg. 24557 (June 7, 1982), allocating 3 MHz of spectrum from 929-932 MHz, for private and common carrier one-way paging systems. This *Report and Order* established September 7, 1982 as the initial date for accepting 900 MHz paging applications. However, in response to a Motion for Temporary Stay and in light of Petitions for Reconsideration which raise issues which may affect application procedures and licensing policies, we have decided to postpone the initial filing date for 900 MHz paging applications from September 7, 1982 to December 1, 1982. This time extension will allow the Commission sufficient time to consider the Petitions for Reconsideration prior to receiving applications, and will provide prospective applicants with sufficient notice of regulatory changes prior to the initial filing date.

DATE: New filing date is December 1, 1982.

FOR FURTHER INFORMATION CONTACT: Lisa Wershaw, (202) 632-6450; Stephen Markendorff (202) 632-6450.

SUPPLEMENTARY INFORMATION:

Adopted: August 6, 1982.

Released: August 9, 1982.

In the matter of amendment of Parts 2 and 22 of the Commission's Rules to allocate Spectrum in the 928-941 MHz Band and to Establish Other Rules, Policies, and Procedures for One-Way Paging Stations in the Domestic Public Land Mobile Radio Service. General Docket No. 80-183, RM-2365, RM-2750, RM-3047, RM-3068.

1. On April 29, 1982, the Commission adopted a *First Report and Order* in General Docket 80-183, allocating 3 MHz of Spectrum from 929 to 932 MHz for private and common carrier one-way paging systems. We received Petitions for Reconsideration of this *Report and Order* from Telocator Network of America (Telocator), Mobile Communications Corporation of America, Beep-Beep Page, Inc. and Page America Communications, Inc. Telocator also submitted a Motion for Temporary Stay, requesting deferral of the initial date for acceptance of applications until December 1, 1982.

2. The filing period for these one-way paging frequencies was scheduled to begin on September 7, 1982.[1] However, in light of the pending Petitions for Reconsideration and the Motion for Temporary Stay, we have decided to postpone the initial date for filing 900

[1] Our *First Report and Order*, 47 FR 24557 (June 7, 1982), provided that applications for the 900 MHz frequency would be accepted for filing 90 days after publication of the decision in the **Federal Register**, *i.e.*, September 7, 1982.

MHz applications from September 7, 1982, to December 1, 1982.

3. These Petitions raise issues which could affect the procedures to be followed in preparing applications and our policies and standards for assignment of frequencies and licensing of common carriers. Therefore, this time extension will allow the Commission sufficient time to consider the Petitions for Reconsideration prior to receiving 900 MHz applications.

4. Accordingly, it is ordered, that the date for acceptance of common carrier applications for the 900 MHz frequencies, for an initial period of 60 days only, shall begin December 1, 1982.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-22070 Filed 8-12-82; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 47, No. 157
Friday, August 13, 1982

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1980

Guaranteed Loan Programs

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its General and Business and Industrial Loan Program (B&I) regulations pertaining to the administration of the guaranteed loan programs. The changes are classified into two categories: those that are contained in various sections of the regulations which may affect the public and those which are administrative and involve internal Agency procedures which do not affect the public. These amendments related to factors FmHA considers to be appropriate in light of the objectives of the Administration which are to assure more viable projects and eliminate various loopholes and terminology which have caused the Agency considerable time and expense and potential increased liability for losses in the event of default. These actions are being taken in response to recommendations made by Agency and program managers to correct these deficiencies. The effect of the proposed change is to strengthen overall credit terms, evaluations and servicing requirements of the FmHA B&I guaranteed loan program, specifically, and other FmHA guaranteed programs generally.

DATE: Written comments are to be received on or before October 12, 1982.

ADDRESS: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250, telephone: (202) 382-9725. All written comments made pursuant to this notice will be available for public inspection during regular work hours at the address given above.

FOR FURTHER INFORMATION CONTACT: Darryl H. Evans, Supervisory Loan Specialist, Business and Industry Loan Division, USDA, FmHA, Washington, D.C. 20250, telephone: (202) 447-4150.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedure established in Secretary's Memorandum 1512-1 to implement Executive Order 12291 and has been determined "non major".

This decision is the result of a series of actions FmHA has taken in response to administrative policy issues identified by program managers during B&I program reviews. It will eliminate loopholes and regulation provisions which have caused considerable confusion on the part of the borrowers, lenders and FmHA policy and regulation provisions which were not initially explained in detail. This action will narrow the broad discretion now permitted by the regulations. FmHA believes this amendment is both necessary and desirable to assure fair and consistent loan-making decisions by FmHA, and thereby protect the public investment. The benefit of such action will apply equally to the applicants, borrowers and lenders because FmHA's position is more clearly defined. Little additional cost or burden will result from the proposed changes. The impact of the proposed change is therefore considered nonmajor.

The FmHA guaranteed programs and projects which are effected by this action are subject to State and local clearing house review as required in FmHA Instruction 1901-H. Such programs as outlined in the catalog of Federal Domestic Assistance (CFDA) include; CFDA Number 10.422 Business and Industrial Loans, 10.404 Emergency Loans, 10.413 Recreation Facility Loans, 10.416 Soil and Water Loans, 10.406 Farm Operating Loans, 10.407 Farm Ownership Loans 10.428 Economic Emergency Loans and 10.429 Above-Moderate Income Housing Loans.

This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statements." FmHA has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required. Approval has been requested from the Office of Management and Budget for the reporting and recordkeeping requirements contained herein.

Discussion of Proposed Rule

Since there are a considerable number of changes, only those that have an effect upon the public and are considered more substantial will be discussed in this section. Internal administrative and procedural changes set forth in the regulations as "Administrative" which do not affect the public will not be discussed. FmHA has included in this amendment a number of changes which relate to the B&I regulations (Part 1980-E). These changes deal with the servicing of B&I loans once the guarantee is issued. No significant servicing amendment have been made to B&I regulations since they were issued in October 1976. FmHA's experience over the past 6 years has brought to management's attention the need to revise and strengthen the servicing provisions. Previous guaranteed loans will not be affected by any proposed amendment inconsistent with previously issued regulations. The Department's Office of Inspector General in its audit of the B&I program also recommended that FmHA clarify and revise some of its servicing provisions in order to correct deficiencies in the B&I program. Several of these proposed servicing changes also affect other FmHA guaranteed loan programs since they modify Subpart A—General and attached Appendix A—Form FmHA 449-34, "Loan Note Guarantee," Appendix B—Form FmHA 449-35, "Lender's Agreement" and Appendix C—Form FmHA 449-36, "Assignment Guarantee Agreement." FmHA believes these changes are equally applicable to its other guaranteed loan programs and therefore, to provide consistency in administering all its guarantee programs, proposes that Subpart A and appendices be modified accordingly.

Discussion of Proposed Rule—Subpart A

§ 1980.11 Full faith and credit.

The proposed change is to provide a definition of "Negligent Servicing." This is in response to request from lenders asking for precise information regarding what actions constitute negligent servicing. FmHA believes the proposed definition should eliminate misunderstanding of what the term "negligent servicing" means. The change will affect the lender and will improve the cost effectiveness of the program through less likelihood of inconsistent interpretation. The change clarifies the regulation and thereby reduces costs by eliminating the expense involved in responding to questions regarding the meaning of the term.

The alternative to the proposed change is to leave the regulation as is. However, to make no change invites continued inconsistency of interpretation by lenders, increased possibility of litigation, higher costs to Agency and less ability to respond to public needs with scarce Federal resources.

§ 1980.13 Eligible lenders.

Section 1980.13 (b)(2) of the current regulation permits certain lenders other than regulated lenders (i.e., banks, thrift institutions) to be approved as lenders under the B&I program. The performance of some of these approved lenders in carrying out their loan servicing functions has been very marginal and in a few cases totally inadequate.

B&I field personnel have identified problems with these lenders at loan closings where documentation was inadequate and unprofessional. Loan officers in the National Office B&I Loan Servicing Division have noted numerous instances in which "approved lenders" place the entire loan servicing responsibility on the Farmers Home Administration even though loan servicing fees are being charged by such lenders. FmHA has attempted to be more restrictive in approving lenders. However, the Agency finds this approach to be far too subjective and conducive to loan servicing problems.

The proposed change will eliminate FmHA approval of applicants who wish to become lenders. Only those lenders categorically mentioned in the regulations will be considered eligible lenders.

The proposal will also relieve some of the burden on the public since there will no longer be special lenders having to meet special requirements of the Agency. The change provides for consistency within the program and improves cost effectiveness by freeing certain personnel from the approval functions for other more critical loan servicing tasks.

§ 1980.60 Conditions precedent to issuing the loan note guarantee.

Existing regulations permit issuance of the guarantee upon substantial completion of all the conditions which FmHA determines are necessary to assure a feasible project. The word "substantial" has been abused. FmHA program managers have noted the problem and the Agency proposed to take corrective action by amending § 1980.60(a)(2) by deleting the word "substantial" and adding language consistent with completion standards for construction. The proposed change removes some flexibility presently afforded; however, the likelihood of success of a project is far greater if the guarantee is not issued until all the conditions are met by the borrower and the lender.

The proposal is the most cost effective approach to the problem; in the past, other approaches have proven ineffective in securing full compliance on the conditions after the guarantee was issued. The proposed change will not place an additional burden on the public.

§ 1980.62 Lender's sale or assignment of guaranteed portion of the loan.

Existing regulations permit the lender to assign or sell the guaranteed portion of the loan regardless of circumstances. It has come to FmHA's attention that certain lenders are selling or assigning loans that are in default.

Lenders that hold all or part of the guaranteed portion of the loan can, and certain ones do, lessen their risks by selling or assigning all or part of the guaranteed portion of the loan to an investor (Holder). FmHA has taken the position that it was never the intention of the Agency to permit lenders to trade negotiable instruments to third parties on loans in default. While the Agency has noted no significant number of such transactions, nevertheless, it has determined that it will be cost effective to prohibit such actions by lenders in the future.

§ 1980.80 Method of review.

Existing regulations provide a method for an aggrieved party to appeal any adverse FmHA decision. FmHA experience has been that little coordination exists between the lender, the borrower and/or third parties in the case of an adverse decision by FmHA. Since the loan guarantee involves a close business relationship between the lender and borrower, FmHA proposes to strengthen its regulation by requiring that any appeal of an adverse decision must come as a coordinated effort by both the borrower and lender.

FmHA proposes to make this change because past experience shows that the borrower has not always been aware of all the facts involved in an adverse decision by FmHA. Often problems exist between the borrower and the lender that need to be resolved by them rather than by appealing to FmHA.

Such a change will be cost effective because fewer Federal resources will be expended in resolving problems and issues that should be resolved between the lenders and borrower.

Existing regulations are silent in terms of a time frame for appealing adverse decisions by FmHA. Past experience shows that when cases are not appealed promptly actions on such cases are often mooted because of the lapse of time involved. Another serious concern is that financial data becomes obsolete by the time the appeal is heard.

Because of these weaknesses in the regulation a change is proposed to limit the time for review of a decision to not more than ninety days.

§ 1980.84 Replacement of FmHA forms 449–34, "loan note guarantee," or form FmHA 449–36, "assignment guarantee agreement."

As proposed, a new section has been added to the regulations to address the occasional problem arising when there has been a loss, theft, destruction, mutilation or defacement of either the Loan Note Guarantee or the Assignment Guarantee Agreement.

One alternative considered was not to change the regulations. However, being silent on the issue would not permit FmHA to replace the documents. With a portfolio of over 3,500 B&I Loan Guarantees outstanding in addition to a large portfolio of farmer program loan guarantees involving several billion dollars such alternative is needed. Thus the Agency chooses to amend its regulation adding this new section to provide the mechanism for handling this situation.

Appendix A—Form FmHA 449–34, "Loan Note Guarantee"

Revisions to the form are necessary so that consistency with the regulation changes governing the use of such form is assured. The changes are as follows:

1. There has been some confusion and misunderstanding by both lenders and B&I personnel in describing notes and amounts when the multi-note system is used with the Loan Note Guarantee;

thus in the space "Percent of Face Amount," language has been changed to read "Percent of Total Face Amount." Communication with FmHA field personnel indicate that the word "total" clarifies the meaning.

2. There are several changes in the section "Conditions of Guarantee." These are discussed in the appropriate section of the regulations where a change is proposed. Briefly, they are:

(a) The Agency will not guarantee notes which contain provisions for assessment of interest upon interest.

(b) Loan funds disbursed by a lender for purposes other than those approved by FmHA in its Conditional Commitment of Guarantee will not be guaranteed.

(c) The defining of negligent servicing.

(d) Precluding FmHA from paying interest on a note after 90 days from the date the demand letter from the lender or FmHA to the holder(s) requesting tender of the guaranteed portion of the loan.

(e) Striking out the words "County Supervisor" as the designated FmHA contact.

Appendix B—Form 449-35, "Lender's Agreement"

The form is being revised to reflect the proposed changes in the regulations. Since these changes are discussed in more detail under the appropriate regulations, they will be mentioned only briefly as follows:

1. The guarantee will be void:

(a) When guaranteed notes contain provisions for assessment of interest upon interest.

2. The guarantee will be unenforceable:

(a) When loan funds were disbursed by the lender for purposes other than those approved by FmHA in its Conditional Commitment for Guarantee.

(b) If negligent servicing as defined in the regulations has occasioned a loss.

3. The lender may not sell or assign any portion of a loan which is in default.

4. The lender will be required to notify the borrower and FmHA of any noncompliance of covenants and provisions governing the loan.

5. The words "County Supervisor" are removed and replaced with the phrase "FmHA office servicing such borrower."

6. A change requiring the lender to notify FmHA when a borrower is 30 days past due on a payment.

7. A requirement that the lender receive FmHA concurrence (a) for proposed subsequent loans, and (b) temporary reductions in interest rates.

8. Prohibits the assessment of interest on guaranteed loans after 90 days from the date of demand letter of the lender or FmHA to the holder(s) requesting tender of the guarantee portion.

9. Restricts servicing fees assessed by the lender to a holder(s) to be collected only from installments received by the lender from the borrower. The Agency will not reimburse the lender for servicing fees assessed to a holder when FmHA has repurchased from the holder(s).

10. Requires the lender to advise FmHA in writing of its proposed method of liquidation of a guranteed loan, provides for FmHA's written response, and provides for negotiations between lender and FmHA in case of disagreements.

11. Requires that the lender apply liquidation proceeds in calculating an estimated loss payment against the outstanding principal balance owed on the guaranteed debt when the lender is conducting liquidation and is requesting an estimated loss settlement from FmHA.

12. Requires that the loss payment remitted by FmHA to the lender be applied to the guranteed loan but not release the borrower from the debt; the lender so notify the borrower and a final Form FmHA 449-30, "Loan Note Guarantee Report of Loss," be processed to clear the account with the FmHA Finance Office (subject to the Future Recoveries section of the Lender's Agreement).

13. Clarifies the section on liquidation costs, causing such costs to be agreed upon in writing and prohibiting "in house" expenses of the lenders as liquidation costs.

Appendix C—Form FmHA 449-36, "Assignment Guarantee Agreement"

This form is being revised to reflect changes in the regulation. Since these changes have been discussed in more detail under the appropriate regulations, they will be mentioned only briefly below:

1. Requires the Holder(s) of the guaranteed portion of the loan to provide written notice to the lender in event the Holder(s) wishes to resell the assigned portion of the loan.

2. Provides that the Loan Note Guarantee will not cover note interest on guaranteed loans after 90 days from the date of the demand letter of the lender or FmHA to the Holder(s) requesting the Holder(s) to tender their guaranteed portion.

3. Removes the words "County Supervisor" from the Form and replaces the words "FmHA Office Servicing the Borrower."

Discussion of Proposed Rule Subpart E

§ 1980.411 Loan purposes.

There has been some confusion regarding the relationship between agricultural production, which is an ineligible loan purpose and the commercial aspect of an agricultural enterprise (i.e., processing or marketing which may be an eligible loan purpose.)

In order to eliminate this confusion and provide further clarification, this section has been revised to specifically define agricultural production in § 1980.412(e) of the regulations.

Another revision prohibits the use of loan funds for working capital and debt refinancing of integrated poultry and livestock operations. Past experience has shown that money loaned for these purposes has not strengthened the project.

One option considered was to completely prohibit the use of loan funds for integrated livestock and poultry operations. However, after careful consideration the Agency has chosen to keep the program available as a credit source for capital improvements to these operations since in FmHA's experience loans for such purposes have aided rural areas business enterprises.

The action chosen by the Agency will be cost effective because losses suffered by the Agency on loans for these purposes have not been offset by any resulting benefits.

§ 1980.412 Ineligible loan purposes.

Existing B&I regulations have few restrictions on types of business or purposes that are ineligible for financial assistance. Agency experience during the past seven years has disclosed major problems with certain businesses in which FmHA has issued guarantees. The proposed amendment will:

1. Define agricultural production, prohibit use of loan funds for agricultural production, and cite specific exceptions to the definition. Such action will clarify an issue which has arisen on numerous occasions since the program's inception.

2. Eliminate as eligible for assistance:

(a) Charitable and education institutions; those institutions are predominantly nonprofit oriented and often sectarian in nature. FmHA does not believe loans to these types of institutions are cost effective.

(b) Churches and fraternal organizations; the Agency has received numerous requests during the past for program assistance to these applicants. Agency Counsel has provided a legal determination that such applicants (churches, organizations affiliated with

or sponsored by churches and fraternal organizations) do not fall within the confines of the authorizing legislation for the program.

(c) Lending and investment institutions and insurance companies; B&I program loan requests from these applicants usually include "working capital" which would in turn be used to lend to others. The Agency has always taken the position that use of such loan funds would not meet eligibility requirements for project purposes. Relending could be used as a subterfuge to allow guarantee loan funds to pass through to ineligible borrowers.

(d) Hotel and motel projects; Agency experience is that most of these projects have been tax shelters for the wealthy and the principals do not want to personally guarantee the loans. FmHA has a high concentration of these projects in its loan portfolio and has found that such projects employ few people (many of which are part-time) in relation to loan size.

(e) Recreational type businesses; FmHA has found through experience that this type of applicant hires primarily seasonal employees, These projects also depend upon a stable economy. The Agency has found success with these projects to be marginal.

(f) Government and military personnel when they are the major owners, directors, and officers are involved in the business. These applicants for program assistance are excluded in order to eliminate the possibility of conflict of interest.

(g) Any business activity where 10 percent or more of the annual revenues are derived from legalized gambling. FmHA will guarantee no loans for illegal business activities.

The Agency has chosen to adopt corrective actions to provide greater objectivity concerning eligibility of particular loan purposes and lessen inconsistencies in the evaluation process. In the past numerous requests for program assistance have been for purposes which have been determined to be ineligible from the standpoint of rural development and/or agricultural production. Over the years, the Agency has accumulated enough experience with the above-mentioned business types to determine that, for the purposes of the B&I program, they should be ineligible for program assistance.

§ 1980.413 Transactions which will not be guaranteed

Existing regulations have never addressed the issue of loan size. The program has continued to receive larger loan applications, thus the average size loan for the program continues to increase. By continuing to make larger loans to fewer businesses, the risk increases for higher loss of jobs and increased cost to the Government should the business default. In addition, with a major reduction of funding authority, it becomes necessary to reduce loan size to accommodate reduced funding authorization to the States.

Alternatives considered by the Agency were:

1. Establish a maximum loan size of $10 million for regular B&I projects and $20 million for energy loan projects.

2. Establish a written policy on loan size of $10 million or less for regular B&I projects with preference given to loans of $5 million and require documentation on loans normally financed by the Small Business Administration (SBA) which seeks FmHA assistance.

The last alternative considered was chosen by the Agency because reduced program funding levels create increased demand for the limited Federal resources. Thus, it becomes increasingly necessary to preclude the possibility of a few large projects utilizing the entire allocation. This alternative will also help assure that projects normally financed through SBA will continue to be financed by SBA.

§ 1980.423 Interest rates.

Current regulations provide for the use of variable interest rates for loans guaranteed by the Agency. However, regulations are silent on the amortization of the loan in relation to the fluctuation of interest with the variable rate loan. Because of the lack of specific guidance concerning loan amortization, the Agency has become aware of loans which are not being amortized properly and are, therefore, in violation of FmHA regulations.

In order to correct the problem, regulations are being revised to specifically address the use of a variable interest rate. The lender must incorporate within the variable rate note a provision for adjustment of installments paid by the borrower coincident with an interest rate adjustment. This will assure that the outstanding principal balance is properly amortized within the prescribe loan maturity and will prevent balloon payments at the end of the loan. Such proposed change is cost effective to the Government in that it will reduce the potential payout on loans that have defaulted.

§ 1980.424 Terms of loan repayment.

Two proposed changes have been added to § 1980.424. The first deals with prohibiting the approval of any guaranteed loan when the promissory note or any other documents provides for the payment of interest upon interest. This particular issue has come to the attention of FmHA managers in the past when some guaranteed loans have gone into default for a period of time and the note(s) contain covenants which allow accrued interest to be capitalized or considered the same as principal. Such covenants then cause the borrower to be paying interest on the total amount. When FmHA pays the 90 percent of the loss on principal and accrued interest when the guarantee is honored, it results in the Government paying interest upon interest. This practice makes it impossible for the Agency to project a true potential liability of the Government for its guaranteed loan programs while at the same time providing settlement to lenders for amounts in excess of what was intended with the guarantee program.

The second proposed change in this section focuses loan maturities being based upon the useful life of the collateral for the loan rather than the maximum maturities as provided in existing regulations.

Currently, far too many loan requests are structured to the maximum maturities. These include 7 years for working capital, 15 years for machinery and equipment, and 30 years for land and buildings.

Program managers and Agency loan officers have recommended that loan maturities based upon the collateral offered for the loan are necessary to protect the Government's interests.

Based upon past experience with the programs, the proposed change chosen by the Agency is cost effective in that the collateral position of the lender will be substantially improved, thus resulting in overall greater recovery in the event of liquidation.

§ 1980.434 Equal opportunity and nondiscrimination requirements.

Current regulations refer to the "County Supervisors" in reporting noncompliance to the Administrator. The proposed change removes the words "County Supervisor" and inserts the words "FmHA official."

§ 1980.442 Feasibility studies.

Current regulations permit flexibility concerning requirements for feasibility studies. Experience has shown that too many times requests are made to waive the requirement for feasibility studies, particularly on the larger loans. On loans of $1 million or more, it has always been the intent of the Agency to

require feasibility studies as part of the application.

In order to strengthen the regulation, the word "ordinarily" is proposed to be removed so that the instruction will read "will be required."

Another proposed change in the feasibility section deals with "technical feasibility." This paragraph has been revised to include an "analysis of the environmental impact" of the planned project on the loan proposal. Existing regulations do not specifically require an environmental impact analysis in the feasibility studies. FmHA program managers suggest that environmental implications are often treated too casually in the loan application process. Thus, the Agency has chosen to strengthen the regulation to specifically address the environmental issue.

§ 1980.443 Collateral, personal and corporate guarantees, and other requirements.

FmHA has clarified paragraph (b) by including a statement that FmHA is not a coguarantor with the personal or corporate guarantors to make it clear that the personal and corporate guarantors are separate from FmHA's involvement in the case. In addition a statement is added to specifically state that the personal and corporate guarantees of the borrower are considered collateral for the loan. This should eliminate any misunderstanding of FmHA's intent that these guarantees are to be pursued by the lender in liquidation and the proceeds derived from such liquidated guarantees are to be applied against the outstanding guaranteed loan balance when calculating the Report of Loss Claim.

§ 1980.451 Filing and processing applications.

Several changes have been proposed for this section. They are as follows:

1. A preapplication may be filed by the lender under current regulations. This may be done in the form of a letter containing certain basic information concerning the project. The proposed changes on preapplications adds a sentence requesting certain basic information when the borrower is a corporation.

Another proposed change in the preapplication section clarifies what is meant by a current balance sheet and latest profit and loss statement. The proposed change states specifically that such current documents will be no more than 60 days old. Abuses of what was intended by "current" have been far too numerous and many times these documents are 6 months to 1 year old. Thus, the Agency has chosen to make the change. Financial data for commercial lending purposes that is more than 60 days old is not a prudent credit practice, particularly during times of wide economic fluctuations within certain sections of the economy.

The Agency also proposes to clarify the phrase "any credit reports obtained by the lender or FmHA." The proposed change will read: "any credit reports obtained by the lender or FmHA on the borrower, its principals and parent, affiliate and subsidiary firms." The purpose of this change stems from the Agency lacking complete financial knowledge of certain corporate structures which often affects the FmHA guarantee. Loan applications cannot be properly anlayzed without full disclosure of information concerning management and ownership of the business. Such information is a basis for determining eligibility of the project for program assistance.

Another proposed change to § 1980.451 concerns language in the loan agreement between the lender and the borrower which deals with the FmHA requirement for an annual audited statement. Existing regulations require a loan agreement and also recites a listing of Covenants which "ordinarily" are included in the agreement.

Past experience in administering the program has shown program managers that the term "ordinarily" often precludes an annual audited statement of the business from being an absolute FmHA requirement. The term allows too much flexibility in the regulations. It was never intended by the Agency that any borrower not be required to provide the Agency with an annual audited statement. The proposed change will remove the word "ordinarily" and include the requirement for an annual audited statement. The proposed change specifically identifies what an acceptable audit is and provides clarification on opinion expressed by the auditor. FmHA does not require an unqualified audit opinion as a result of the audit. However, the Agency will not accept a limitation to the scope of an audit.

There are really no viable alternatives to the proposed course of action by the Agency when one considers the nature of the program and the potential liability to FmHA if this proposal is not enforced. Private sector lenders require audited financial statements of their commercial borrowers. Some of these lenders dismiss the need for audits when FmHA assumes 90 percent of the potential loss on one of these guaranteed loans. The fact that the Agency has the ultimate liability for noncompliance and that it relies upon the borrower and lender supplied information makes this proposed change a necessity.

Another paragraph has been added to this section which addresses requests for debt refinancing. The proposed change will require the lender, as a minimum, to obtain the previously held collateral as security for the guaranteed loan(s). It will also require the lender to obtain additional adequate collateral for the guaranteed loan when refinancing of unsecured or undersecured loans is unavoidable in order to accomplish the necessary strengthening of the firm's current financial position. It has been FmHA's experience that when the Agency guarantees a loan which involves refinancing, far too often the collateral held by the lender prior to the refinancing is lost or not carried forward to the guaranteed loan. The proposed change is a necessity when refinancing is a part of the loan. This change will strengthen the loan and help assure that lenders adequately collateralize loans. The Government guarantee is not collateral for a loan.

§ 1980.452 FmHA evaluation of applications.

This section has been revised to clarify requirements involving covenants in the Conditional Commitment for Guarantee (Form FmHA 449–14). The revision specifically requires that the planned use of loan proceeds be documented in the Form FmHA 449–14 as reflected in the application, Form FmHA 449–1.

FmHA managers have recommended this proposed revision in order to assure that both the lender and the Agency are totally aware of the planned use of proceeds when the document is executed by the Agency and the lender. The planned use of proceeds are to be documented in the Form FmHA 449–14 as reflected in the Form FmHA 449–1.

§ 1980.454 Conditions precedent to issuance of the loan note guarantee.

This section has been revised as follows:

1. *Transfer of lenders.* As proposed, a paragraph has been added to provide guidance concerning the transfer of lenders when FmHA has an outstanding Conditional Commitment for Guarantee and the Loan Note Guarantee has not yet been issued.

Existing regulations are silent on the transfer or substitution of lenders under the above circumstances. However, throughout the administration of the program, requests have been numerous to change lenders prior to the issuance of the Loan Note Guarantee. The

Agency has administratively allowed such substitution in several instances.

Because of the continued requests for changing lenders, FmHA has chosen to amend its regulations to permit such an action. The change is permitted between eligible lenders, upon justification for the requested change, when there are no changes in the borrower's ownership or control, loan purposes, scope of project, loan terms, or loan conditions.

2. *Substitution of borrowers.* The Agency has continually received requests for altering the original structure of the applicant (borrower) to which a conditional commitment was issued and for which funds were obligated in a previous fiscal year. FmHA proposes to amend its regulations to prohibit the issuance of the Loan Note Guarantee if there has been an alteration of the originally approved ownership except when the only change is that the originally approved ownership is replaced with substantially the same individuals and interests as identified on the application. In that case the request will be reviewed by the National Office for final determination.

Existing regulations are silent on the substitution or alteration of borrowers. However, the Agency has made administrative determinations on a case-by-case basis in the past concerning the circumstance in which it would permit a change. Far too many times during past administration of the program, it has been noted that the sole justification for restructuring or altering the original borrower was to create a tax advantage by the change. Thus, the Agency has taken the position that the program was neither created nor intended as a tool for tax shelters.

3. *Change in terms and conditions in Form FmHA 449–14.* The Agency proposes to amend this section by identifying specifically when changes in terms and conditions will be allowed. This is another area of concern in the administration of the program. Often, there are requests for changes in terms and conditions after the Agency has issued a commitment for a guarantee which has been accepted by the lender. Experience has been that such requests usually involve a "waiving" or "relaxing" of a condition(s) which will result in a weaker loan. Also, it has been the Agency's experience that when a change is allowed, there continues to be subsequent requests for additional changes, the total of which sometimes results in a substantially different loan request and resultant change in scope of the project. It is the intent of FmHA that once the "Conditional Commitment for Guarantee" (Form FmHA 449–14) is issued and has been accepted by the lender, no modification be made as to the scope of the project, overall facility concept and design, project purpose, or use of proceeds.

4. *Preguarantee audit:* Existing regulations require that a preclosing review of all conditions and requirements will be scheduled between FmHA and the lender prior to the loan closing. This requirement has been expanded to require the lender to contact FmHA and provide documentation and certifications to FmHA coincident to or immediately after loan closing to assure FmHA there are no adverse changes. Only when these actions have been taken will the Loan Note Guarantee be issued. Program managers have noted and made recommendations to the effect that regulations need to be more specific regarding the preguarantee audit in order to strengthen the program.

5. *Loan closing.* This paragraph has been revised to strike the words "County Supervisor" and refer to an "FmHA representative" instead since the County Supervisor no longer has a major responsibility for B&I loan processing and servicing.

6. *Working capital.* A final paragraph to the section has been added to prohibit the issuance of a Loan Note Guarantee for working capital prior to the completion of construction as development of the project continues. This allows the State Director to make a determination as to whether the original loan purpose and scope of the project can be achieved. The addition of the paragraph provides assurance in the regulation that working capital will be available for the project as planned when development is complete, thus clarifying the circumstances for issuance of the Loan Note Guarantee.

§ 1980.475 Bankruptcy.

A section has been added to the regulations concerning bankruptcy. Existing regulations provide little guidance for handling bankruptcy cases. There have been several bankruptcy cases connected with the loan guarantees of the B&I program; each case has provided the Agency with experience in its resolutions. Program managers have recommended that regulations be amended to provide for this alternative in the loan servicing activities. Thus, the Agency proposes to amend its regulations by adding a section concerning bankruptcy.

The proposed regulation further amplifies and details how FmHA will hold the lender responsible for preserving the interests of itself and FmHA. Further, such regulation will provide for the reimbursement of certain fees and expenses, incurred by the lender to be deducted from liquidation value of the collateral.

§ 1980.476 Transfer and assumptions.

Existing regulations do not address a situation which sometimes occurs with transfers and assumptions. Occasionally there is a "loss" in conjunction with the transaction. Program managers have recommended that regulations be amended to include the provision for loss when less than the full loan is transferred or assumed. Based upon past experience with transfers and assumptions, the Agency has chosen to amend its regulations to include a new paragraph on transfer and assumptions for less than full loan and provide for the lender, if it is the holder, to file an estimated Report of Loss to recover its pro rata share of the actual loss at the time of transfer.

The alternative considered to the proposed change is to leave the regulation as it presently exists. FmHA does not believe this option is appropriate since it penalizes a lender from being able to recover any value on the loan until some future date. By permitting the lender to file an estimated loss settlement, at the time of the Transfer and Assumption the lender can be paid its pro rata share of the loss then rather than at some future time. This should encourage lenders to be more interested in transfer and assumptions rather than previously when such option was not permitted.

§ 1980.488 Guaranteed industrial development bond issues.

This section is proposed to be revised to prohibit the use of loan funds for debt refinancing, working capital, and other miscellaneous charges or services in connection with guaranteed loans to public bodies. Such loans will only be used for constructing and equipping industrial plants for lease to private businesses engaged in industrial manufacturing. The lease must provide necessary capital and sufficient strength to provide for a sound project.

A part of the above material exists in current regulations under "Administrative". For the sake of clarity the purposes for which these loans can be guaranteed has been moved into the regulation itself rather than as internal guidance to FmHA staff.

§ 1980.495 FmHA forms and appendices.

(a) *FmHA forms incorporated in this subpart.* This is a new paragraph and includes only Form FmHA 449–1,

"Application for Loan and Guarantee." Form FmHA 449–1 will now be referred to as "Appendix A" and the Certificate of Incumbency and Signature is Appendix B.

(b) *FmHA appendices used for processing loan guarantees.* This is a new paragraph and will include Appendices C, D, E, used for processing of loans for alcohol fuel production facilities projects, and as proposed appendices C and D will be incorporated by reference and made a part of the regulations.

Appendix "C" contains technical and credit criteria concerning the processing of applications for alcohol fuel loans.

Appendix "D" contains technical criteria for Planning, Performing Development and Project Control.

Appendix "E" contains Environmental Assessment Guidelines.

The Agency proposes to amend its regulations as specified immediately above to add the above appendices to the regulations with reference contained in § 1980.495. This proposed action is the result of various options considered. Existing regulations for the regular B&I program loans do not contain some necessary standards needed for alcohol fuels production loan facilities. Therefore, the chosen proposed action is most cost effective to the Agency in that existing regulations with attached appendices will be used for alcohol fuels loans rather than developing a complete new regulation for the alcohol fuels program. In addition parts of Appendix D will apply to the regular B&I program loans.

List of Subjects in 7 CFR Part 1980

Loan programs, Agriculture, Rural areas, Loan programs, Business and industry, Rural development assistance, Loan programs, Housing and community development.

Accordingly, FmHA proposes to amend Subparts A & E of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations as follows:

PART 1980—GENERAL

1. As proposed, § 1980.11 is revised to read as follows:

§ 1980.11 Full faith and credit.

(a) The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which the lender or holder has actual knowledge at the time it becomes such lender or holder or which lender or holder participates in or condones. A note which provides for the payment of interest on interest shall not be guaranteed. Any Loan Note Guarantee or Assignment Guarantee Agreement attached to or relating to a note which provides for payment of interest on interest is void. The guarantee and right to require purchase will be directly enforceable by holder notwithstanding any fraud or misrepresentation by the lender or any unenforceability of the Loan Note Guarantee by lender. The Loan Note Guarantee will be unenforceable by the lender to the extent any loss is occasioned by violation of usury laws, negligent servicing, or failure to obtain the required security regardless of the time at which FmHA acquires knowledge of the foregoing. Any losses occasioned will be unenforceable to the extent that loan funds are used for purposes other than those specifically approved by FmHA in its Conditional Commitment for Guarantee. Negligent servicing is defined as the failure to perform those services which a reasonably prudent lender would perform in servicing its own portfolio of loans that are not guaranteed. The term includes not only the concept of a failure to act but also not acting in a timely manner or acting in manner contrary to the manner in which a reasonably prudent lender would act up to the time of loan maturity or until a final loss is paid.

(b) The Loan Note Guarantee or Assignment Guarantee Agreement in the hands of a holder shall not cover interest accruing 90 days after the holder has demanded repurchase by the lender; or the lender or FmHA has requested the holder surrender the evidence of debt for repurchase.

2. As proposed, § 1980.13 (b) and (c) are revised and paragraphs (d), (e), (f), (g), (h), and (i) are renumbered to (b), (1), (2), (3), (4), (5) and (6) to read as follows:

§ 1980.13 Eligible lenders.

* * * * *

(b) *An eligible lender is:* Any Federal or State chartered bank, Federal Land Bank, Production Credit Association, Bank for Cooperatives, Savings and Loan Association, Building and Loan Association, mortgage company that is a part of a bank-holding company, an insurance company that is regulated by the National Association of Insurance Commissioners, that is subject to credit examination and supervision by either an agency of the United States or a State, is eligible to make and service guaranteed loans provided it is in good standing with its licensing authority and has met licensing, loanmaking, loan servicing, and other requirements of the State in which the collateral will be located, and the loanmaking and/or servicing office requirements in paragraph (b)(3) of this section. A lender must have the capability to adequately service the loan for which a guarantee is requested.

(1) *Participation.* Lenders who are not eligible lenders are not barred from participating in loans made by eligible lenders.

(2) *Lender notification.* Each lender will inform FmHA whether it qualifies for eligibility under this section and which agency or authority, if any, supervises such lender. This information will be furnished to FmHA in letter form with such proofs as FmHA may require.

(3) *Lender location.* Each lender must maintain an office (either its main or branch office or that of an agent) near enough to the collateral's location so it can properly and efficiently discharge its loanmaking and loan servicing responsibilities.

(4) *Ownership.* All lenders will be owned and controlled as provided in paragraph V of Form FmHA 449–35, "Lender's Agreement." However, in a case where a lender has had foreign ownership for at least ten years and has been in operation in the community where the project is or will be located for a similar period of time, such lender may be considered for eligibility under the provisions of this section. If such lender is determined to be eligible by FmHA; paragraph V of the Lender's Agreement will be deleted and initialed by both the lender and FmHA.

(5) *Conflict of interest.* For possible lender-borrower conflict of interest, see paragraph VI of Form FmHA 449–35. All lenders will, for each proposed loan, in writing inform FmHA and furnish such evidence as FmHA requests as to whether the lender or its principal officers (including immediate family) or the borrower or its principals or officers (including immediate family) hold any stock or other evidence of ownership in the other. FmHA shall determine whether such ownership is sufficient to likely result in a conflict of interest.

(6) *Debarment.* See Part 1924 Subpart E of this Chapter.

(c) *Substitution of lenders:* With written concurrence of FmHA, another lender may be substituted for a former lender who holds an outstanding Conditional Commitment for Guarantee provided the borrower, loan purposes, scope of project and loan terms remain unchanged. (See 7 CFR 1980, Subpart E.)

3. As proposed § 1980.60 (a)(2) and (a)(9) are revised and paragraphs (a)(11), (12), (13) and (14) are added to read as follows:

§ 1980.60 Conditions precedent to issuance of the loan note guarantee.

(a) *Lender certification.* * * *

(2) All planned property acquisition has been completed, all construction or development has been completed in accordance with previously approved plans and specifications, all equipment installed is ready to commence full time operation, and all costs have not exceeded the amounts approved by the lender and FmHA. See Appendix D, paragraph II A.2.g. for requirements relating to completion certification.

* * * * *

(9) When required, personal, partnership or corporate guarantees have been obtained. Copies of the guarantees will be provided to FmHA.

(11) Lien priorities are consistent with requirements of the Conditional Commitment for Guarantee.

(12) The loan proceeds have been disbursed for purposes and in amounts consistent with the Conditional Commitment for Guarantee and as specified on Form FmHA 449–1. A copy of a detailed loan settlement statement of the lender will be attached to support this certification.

(13) Equity requirements have been met. A reconciliation of the borrower's net worth from the latest financial statement to the date of loan closing will be provided with this certification.

(14) There has been no adverse change(s) in the borrower's financial condition nor any other adverse change in the borrower's condition during the period of time from FmHA's issuance of the Conditional Commitment for Guarantee to issuance of the Loan Note Guarantee. The lender's certification must address all adverse changes of the borrower and be supported by financial statments of the borower and its guarantors not more then 60 days old at time of certification. For purposes of this item (14), the term "borrower" includes additionally any parent, affiliate, or subsidiary of the borrower.

* * * * *

4. As proposed, § 1980.62 is revised to read as follows:

§ 1980.62 Lender's sale or assignment of guaranteed portion of the loan.

Any sale or assignment by the lender of the guaranteed portion of the loan must be accomplished in accordance with the conditions in paragraph III of Form FmHA 449–35 provided such loan is not in payment default as set forth in the terms of the debt instruments. Should the lender know at the time the loan application is being prepared that it plans to sell or assign any part of the guaranteed portion of the loan as privided in Form FmHA 449–35, the lender will provide this information with the application to FmHA.

(5) As proposed, in § 1980.80 is revised to read as follows:

§ 1980.80 Appeals.

(a) *General.* Any adverse decision made by FmHA which affects the borrower or lender may be appealed upon written request of the aggrieved party in acordance with this section. Only the borrower and lender can appeal an FmHA decision and they must jointly participate in the written request for review of the alleged adverse decision made by FmHA. Parties aggrieved with decisions made prior to the effective date of this provision shall have 30 days to file a request for review under these regulations if neither party has personally filed a request for review.

(b) *Request for review.* The written request for review must be made by the borower and lender within 30 days of the written notification of the FmHA decision causing the request for an appeal. The written request must contain a full description of the reasons the aggrieved parties believe FmHA's decision is not correct and must contain appropriate documentation and supporting information. Each issue raised by FmHA in its decision will have to be addressed by the aggrieved parties. The aggrieved parties should provide alternative recommendations for FmHA consideration.

(c) *Meetings.* No meeting will be arranged to consider appeals unless FmHA deems it necessary. If a meeting is scheduled by FmHA the aggrieved parties will provide FmHA with any additional written appeal material at least 5 days before the scheduled meeting date in order for FmHA to have time to study the materials.

(d) *Levels of appeals.* (1) The FmHA State Director will review all appeal requests which involve an alleged adverse decision made by the FmHA County Supervisor or District Director. The aggrieved parties will present its request to the State Director within the 30-day time limit set forth in paragraph (b) above. The State Director's decision is final and cannot be appealed to the Administrator. The State Director will notify the aggrieved parties of his/her decision in writing within 30 days from date of receipt of the request.

(2) The FmHA Administrator or designee will review all original appeal requests which involve an alleged adverse decision made by an FmHA State Director. The aggrieved parties will send their request to the Administrator with a copy provided the State Director within the 30-day time limit set forth in paragraph (b) above. The State Director will furnish a full report on the matter to the Administrator. The Administrator's decision is final and no further consideration will be made once the final decision is made. The Administrator will notify the aggrieved parties of the Administrator's decision in writing within 30 days from date of receipt of the request.

* * * * *

6. As proposed, § 1980.84 is added to read as follows:

§ 1980.84 Replacement of loss, theft, destruction, mutilation, or defacement of FmHA Form 449–34, "Loan Note Guarantee or FmHA Form 449–36, "Assignment Guarantee Agreement."

(a) *Authorized representative.* Except where the evidence of debt was or is a bearer instrument, the FmHA State Director is authorized on behalf of Farmers Home Administration to issue a replacement Loan Note Guarantee(s) or Assignment Guarantee Agreement(s) which may have been lost, stolen, destroyed, mutilated, or defaced by the Lender or Holder upon receipt of an acceptable certificate of loss and an indemnity bond. After the required documentation has been received, the State Director will consult with the Regional Office of General Counsel to assure that all documents are of legal sufficiency before the reissuance of the Loan Note Guarantee(s) or Assignment of Guarantee(s).

(b) *Requirements.* When a Loan Note Guarantee(s) or Assignment Guarantee Agreement(s) is lost, stolen, destroyed, mutilated, or defaced while in the custody of the lender or holder, the lender will coordinate the activities of the party who seeks the replacement documents and will submit the required documents to the State Director for processing. The requirements for replacement are as follows:

(1) A certificate of loss properly notarized which includes: (i) Legal name and present address of the owner, who is requesting the replacement forms.

(ii) Legal name and address of lender of record.

(iii) Capacity of person certifying.

(iv) Full identification of the Loan Note Guarantee or Assignment Guarantee Agreement including the name of the borrower, FmHA case number, date of the Loan Note Guarantee or Assignment Guarantee Agreement, face amount of the evidence of debt purchased, date of evidence of debt, present balance of the loan, percentage of guarantee and if Assignment Guarantee Agreement, the

original named holder and the percentage of the guaranteed portion of the loan assigned to that holder. Any existing parts of the document to be replaced should be attached to the certificate.

(v) A full statement of circumstances of the loss, theft, or destruction of the Loan Note Guarantee or Assignment Guarantee Agreement.

(vi) The holder shall present evidence demonstrating current ownership of the Loan Note Guarantee and note of Assignment Guarantee Agreement. If the present holder is not the same as the original holder, a copy of the endorsement of each successive holder in the chain of transfer from the initial holder to present holder must be included. If copies of the endorsement can not be obtained, best available records of transfer must be presented to FmHA (e.g., order confirmation, cancelled checks, etc.).

(2) An indemnity bond acceptable to FmHA shall accompany the request for replacement except when the holder is the United States, a Federal Reserve Bank, a Federal Government Corporation, a State or Territory, or the District of Columbia. The bond may be with or without surety. The bond shall be with surety except when the outstanding principal balance and accrued interest due the present holder is less than 1,000,000 verified by the lender in writing in a letter of Certification of balance due. The surety shall be a qualified surety company holding a certificate of authority from the Secretary of the Treasury and listed in Treasury Department Circular 570.

(3) All indemnity bonds must be issued and/or payable to the United States of America acting through the Farmers Home Administration. The bond shall be in an amount not less than the unpaid principal and interest. The bond shall save FmHA harmless against any claim or demand which might arise or against any damage, loss, costs, or expenses which might be sustained or incurred by reasons of the loss or replacement of the instruments.

(4) In those cases where the guaranteed loan was closed under the provisions of paragraph III 2. of the Lender's Agreement known as the "Multi-Note System," FmHA will not attempt to or participate in the obtaining of replacement notes from the borrower. It will be the responsibility of the holder to bear costs of note replacement if the borrower agrees to issue a replacement instrument. Should such note be replaced the terms of the note cannot be changed. (See paragraph III 2. b. of the Lender's Agreement for general conditions for reissued notes.) If the evidence of debt has been lost, stolen, destroyed, mutilated or defaced, such evidence of debt must be replaced before FmHA will replace any instruments.

Administrative

A. State Director will review all documents when presented by the lender to assure all requirements are met.

B. The State Director will contact the regional OGC for assistance before new guarantee instruments are issued.

C. If the decision is to reissue Loan Note Guarantee(s) or Assignment Guarantee(s) the following procedure will be followed:

(1) *Multi-note system.* A new Form FmHA 449-34 will be prepared using the original face amounts and amounts guaranteed (not outstanding loan balance). At the top of the Form type "This Loan Note Guarantee is issued to replace the original dated —— which was *(insert lost, stolen, destroyed, defaced or multilated.")* Only execute an original for the Holder. Copies may be conformed for the lender and FmHA file.

If borrower notes are needed they must be obtained by the holder from the borrower. The indemnity bond must be kept in safekeeping.

(2) *If assignment system.* A new Form FmHA 449-36 will be prepared using the original amounts except the current principal amount of the loan outstanding should be inserted at item 1 on the face of the document. At the top of the form type "This Assignment Guarantee Agreement is issued to replace the original dated —— which *was lost, stolen, destroyed, defaced or mutilated."* Only execute an original for the Holder, copies may be conformed for the lender and FmHA. If a surety bond is issued, it must be kept in safekeeping.

(3) The lender must execute the replacement form prior to FmHA execution of the same.

(4) Certificates of Incumbency may be provided.

* * * * *

7. As proposed in Appendix A, the bold face headings in the introductory paragraph and paragraphs 3, 7, 8, the introductory paragraph of paragraphs 10 and 15 under "Conditions of Guarantee" are revised to read as follows:

Appendix A.—Form FmHA 449-34, "Loan Note Guarantee"

* * * * * * *

Lenders identifying number	Face amount	Percent of total face amount	Amount guaranteed
* * *	*	*	* *
"Condition of Guarantee"			
* * *	*	*	* *

3. *Full faith and credit.* The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which Lender or any Holder has actual knowledge at the time it became such Lender or Holder or which Lender or any Holder participates in or condones. It the note to which this is attached or relates provides for payment of interest on interest, then this Loan Note Guarnatee is void. In addition, the Loan Note Guarantee will be unenforceable by Lender to the extent any loss is occasioned by the violation of usury laws, negligent servicing, or failure to obtain the required security regardless of the time at which FmHA acquires knowledge of the foregoing. Any losses occasioned will be unenforceable to the extent that loan funds are used for purposes other than those specifically approved by FmHA in its Conditional Commitment for Guarantee. Negligent servicing is defined as the failure to perform those services which a reasonably prudent lender would perform in servicing its own portfolio of loans that are not guaranteed. The term includes not only the concept of a failure to act but also not acting in timely manner or acting in manner contrary to the manner in which a reasonably prudent lender would act up to the time of loan maturity or until a final loss is paid.

* * * * *

7. *Repurchase by lender.* The Lender has the option to repurchase the unpaid guaranteed portion of the loan from the Holder(s) within 30 days of written demand by the Holder(s) when: (a) the borrower is in default not less than 60 days on principal or interest due on the loan or (b) the Lender has failed to remit to the Holder(s) its pro rata share of any payment made by the borrower or any loan subsidy within 30 days of its receipt thereof. The repurchase by the Lender will be for an amount equal to the unpaid guaranteed portion of principal and accrued interest (including any loan subsidy) less the Lender's servicing fee. The loan note guarantee will not cover the note interest on the guaranteed loan(s) accruing after 90 days from the date of the demand letter to the lender requesting the repurchase. Holder(s) will concurrently send a copy of demand FmHA. The Lender will accept an assignment without recourse from the Holder(s) upon repurchase. The Lender is encouraged to repurchase the loan to faciliate the accounting for funds, resolve the problem, and to permit the borrower to cure the default, where reasonable. The Lender will notify the Holder(s) and FmHA of its decision.

8. *FmHA Purchase.* If Lender does not repurchase as provided by paragraph 7 hereof, FmHA will purchase from Holder the unpaid principal balance of the guranteed portion together with accured interest (including any loan subsidy) to date of repurchase less Lender's servicing fee, within thirty (30) days after written demand from Holder. The loan note gurantee will not cover the note interest on the guaranteed loan(s) accruing after 90 days from the date of the

original demand letter of the holder to the lender requesting the repurchase. Such demand will include a copy of the written demand made upon the Lender. The Holder(s) or its duly authorized agent will also include evidence of its right to require payment from FmHA. Such evidence will consist of either the original of the Loan Note Guarantee properly endorsed to FmHA or the original of the Assignment Guarantee Agreement properly assigned to FnHA without recourse including all rights, title, and interest in the loan. FmHA will be subrogated to all rights of Holder(s). The Holder(s) will include in its demand the amount due including unpaid principal, unpaid interest (including any loan subsidy) to date of demand and interest (including any loan subsidy) subsequently accruing from date of demand to proposed payment date. Unless otherwise agreed to by FmHA, such proposed payment will not be later than 30 days from the date of demand.

The FmHA will promptly notify the Lender of its receipt of the Holder(s)'s demand for payment. The Lender will promptly provide the FmHA with the information necessary for FmHA determination of the appropriate amount due the Holder(s). Any discrepancy between the amount claimed by the Holder(s) and the information submitted by the Lender must be resolved before payment will be approved. FmHA will notify both parties who must resolve the conflict before payment by FmHA will be approved. Such conflict will suspend the running of the 30 day payment requirement. Upon receipt of the appropriate information, FmHA will review the demand and submit it to the State Director for verification. After reviewing the demand the State Director will transmit the request to the FmHA Finance Office for issuance of the appropriate check. Upon issuance, the Finance Office will notify the office servicing the borrower and State Director and remit the check(s) to the Holder(s).

* * * * *

10. *Repurchase by Lender for servicing.* If, in the opinion of the Lender, repurchase of the guaranteed portion of the loan is necessary to adequately service the loan, the Holder will sell the portion of the loan to the Lender for an amount equal to the unpaid principal and interest (including any loan subsidy) on such portion less Lender's servicing fee. The Loan Note Guarantee will not cover the note interest on the guaranteed loans accruing after 90 days from the date of the demand letter of the lender of FmHA to the Holder(s) requesting the Holder(s) to tender their guarantee portion(s).

* * * * *

15. *Notices.*

All notice and actions will be initiated through the FmHA —— for —— (State) with mailing address at the date of this instrument:

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* * * * *

8. As proposed, in Appendix B under the heading, "The Parties Agree" paragraph II, the introductory paragraph of paragraph III A; paragraphs X C.1. and 11.; XI A, C, D, and F; the introductory paragraph of paragraph XII A; paragraphs XII B, E 2., and paragraphs G, and I; and paragraph XVI; and the introductory paragraph of paragraph XIX are revised and paragraph XI A. 7. and 8. are added to read as follows:

APPENDIX B.—FORM FMHA 449-35, "LENDER'S AGREEMENT, U.S. DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION

* * * * *

The Parties Agree

* * * * *

II. *Full faith and credit.* The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which the Lender has actual knowledge at the time it became such Lender or which Lender participates in or condones. The note which provides for the payment of interest on interest shall not be guaranteed. Any Loan Note Guarantee or Assignment Guarantee Agreement attached to or relating to a note which provides for payment of interest on interest is void.

The Loan Note Guarantee will be unenforceable by the Lender to the extent any loss is occasioned by violation of usury laws, negligent servicing, failure to obtain the required security regardless of the time at which FmHA acquires knowledge of the foregoing. Any losses will be unenforceable to the extent that loan funds are used for purposes other than those specifically approved by FmHA in its Conditional Commitment for Guarantee. Negligent servicing is defined as the failure to perform those services which a reasonably prudent lender would perform in servicing its own portfolio of loans that are not guaranteed. The term includes not only the concept of a failure to act but also not acting in a timely manner or acting in a manner contrary to the manner in which a reasonably prudent lender would act up to the time of loan maturity or until a final loss is paid.

III. *Lender's sale of assignment of Guaranteed Loan.*

A. The Lender may retain all of the guaranteed loan. The Lender is not permitted to sell or participate any amount of the guaranteed or unguaranteed portion(s) of the loans(s) to the applicant or borrower or members of their immediate families, their officers, directors, stockholders, other owners, or any parent, subsidiary or affiliate. If the Lender desires to market all or part of the guaranteed portion of the loan at or subsequent to loan closing, such loan must not be in default as set forth in the terms of the notes. The Lender may proceed under the following options:

* * * * *

X. *Servicing.*

* * * * *

C. * * *

1. Obtaining compliance with the covenants and provisions in the note, loan agreement, security instruments, and any supplemental agreements and notifying in writing FmHA and the borrower of any violations. None of the aforesaid instruments will be altered without FmHA's prior written concurrence. The Lender must service the loan in a reasonable and prudent manner.

* * * * *

11. Obtaining from the borrower periodic financial statements under the following schedule: ——. Lender is responsible for analyzing the financial statements, taking any servicing actions and providing copies of statements and record of actions to the FmHA office immediately responsible for the loan.

XI. *Default by borrower.*

A. The Lender will notify FmHA when a Borrower is thirty (30) days past due on a payment or if the Borrower has not met its responsibilities of providing the required financial statements to the Lender or is otherwise in default. The Lender will notify FmHA of the status of a Borrower's default on Form FmHA 1980-44, "Guaranteed Loan Borrower Default Status." A meeting will be arranged by the Lender with the Borrower and FmHA to resolve the problem. Actions taken by the Lender with written concurrence of FmHA will include but are not limited to the following or any combination thereof:

1. Deferment of principal payments (subject to rights of any Holder(s)).

2. An additional temporary loan by the Lender to bring the account current.

3. Reamortization of or rescheduling the payments on the loan (subject to rights of any Holder(s)).

4. Transfer and assumption of the loan in accordance with the applicable Subpart of Title 7 CFR Part 1980.

5. Reorganization.

6. Liquidation.

7. Subsequent loan guarantees.

8. Changes in interest rates with FmHA's, lender's, and the holder'(s) approval; provided, such interest rate is adjusted proportionally between the guaranteed and unguaranteed portion of the loan and the type of rate remains the same.

* * * * *

C. The Lender has the option to repurchase the unpaid guaranteed portion of the loan from the Holder(s) within 30 days of written demand by the Holder(s) when: (a) the borrower is in default not less than 60 days in payment of principal or interest due on the loan or (b) the Lender has failed to remit to the Holder(s) its pro rata share of any payment made by the borrower or any loan subsidy within 30 days of its receipt thereof. The repurchase by the Lender will be for an amount equal to the unpaid guaranteed portion of principal and accrued interest less the Lender's servicing fee. The loan note guarantee will not cover the note interest on the guaranteed loan(s) accruing after 90 days from the date of the demand letter to the Lender requesting the repurchase. Holder(s) will concurrently send a copy of demand to FmHA. The Lender will accept an assignment without recourse from the Holder(s) upon repurchase. The Lender is encouraged to repurchase the loan to facilitate the accounting for funds, resolve the problem, and to permit the borrower to cure the default, where reasonable. The Lender will

notify the Holder(s) and FmHA of its decision.

D. If Lender does not repurchase as provided by paragraph C, FmHA will purchase from Holder(s) the unpaid principal balance of the guaranteed portion herein together with accrued interest (including any loan subsidy) to date of repurchase, within 30 days after written demand to FmHA from the Holder(s). The loan note guarantee will not cover the note interest on the guaranteed loan(s) accruing after 90 days from the date of original demand letter of the holder to the Lender requesting the repurchase. Such demand will include a copy of the written demand made upon the Lender.

The Holder(s) or its duly authorized agent will also include evidence of its right to require payment from FmHA. Such evidence will consist of either the originals of the Loan Note Guarantee and note properly endorsed to FmHA or the original of the Assignment Guarantee Agreement properly assigned to FmHA without recourse including all rights, title, and interest in the loan. FmHA will be subrogated to all rights of Holder(s). The Holder(s) will include in its demand the amount due including unpaid principal, unpaid interest (including any loan subsidy to date of demand) and interest subsequently accruing from date of demand to proposed payment date. Unless otherwise agreed to by FmHA, such proposed payment will not be later than 30 days from the date of the demand.

The FmHA office serving the borrower will promptly notify the Lender of the Holder(s)'s demand for payment. The Lender will promptly provide the FmHA office servicing the borrower with the information necessary for FmHA's determination of the appropriate amount due the Holder(s). Any discrepancy between the amount claimed by the Holder(s) and the information submitted by the Lender must be resolved before payment will be approved. FmHA will notify both parties who must resolve the conflict before payment by FmHA will be approved. Such a conflict will suspend the running of the 30 day payment requirement. Upon receipt of the appropriate information, the FmHA office servicing the borrower will review the demand and submit it to the State Director for verification. After reviewing the demand, the State Director will transmit the request to the FmHA Finance Office for issuance of the appropriate check. Upon issuance, the Finance Office will notify the office servicing the borrower and State Director and remit the check(s) to the Holder(s).

* * * * *

F. Servicing fees assessed by the Lender to a holder are collectible only from payment installments received by the lender from the borrower. When FmHA repurchases from a holder, FmHA will pay the holder only the amounts due the holder. FmHA will not reimburse the lender for servicing fees assessed to a holder and not collected from payments received from the borrower.

* * * * *

XII. *Liquidation.* * * *

* * * * *

A. *Lender's proposed method of liquidation.* Within 30 days after the decision to liquidate, the Lender will advise FmHA in writing of its proposed detailed method of liquidation called a liquidation plan and will provide FmHA with:

* * * * *

B. *FmHA's response to Lender's liquidation plan.* FmHA will inform the Lender in writing whether it concurs in the Lender's liquidation plan within 30 days after receipt of such notification from the Lender. If FmHA needs additional time to respond to the liquidation plan, it will advise the Lender of a definite time for such response. Should FmHA and the Lender not agree on the Lender's liquidation plan, negotiations will take place between FmHA and the Lender to resolve the disagreement. The Lender will ordinarily conduct the liquidation; However, should FmHA opt to conduct the liquidation, FmHA will proceed as follows:

* * * * *

E. *Determination of loss and payment.*

* * *

* * * * *

2. When the Lender is conducting the liquidation, and owns any of the guaranteed portion of the loan, it may request a tentative loss estimate by submitting to FmHA an estimate of the loss that will occur in connection with liquidation of the loan. FmMA will agree to pay an estimated loss settlement to the Lender provided the Lender applies such amount due to the outstanding Principal Balance owed on the guaranteed debt. Such estimate will be prepared and submitted by the lender on Form FmHA 449–30, using the basic formula as provided on the report except that the appraisal value will be used in lieu of the amount received from the sale of collateral.

* * * * *

G. *Application of FmHA loss payment.* The total amount of the loss payment remitted by FmHA will be applied by the Lender on the guaranteed loan debt. However, such application does not release the borrower from liability. At time of final loss settlement the Lender will notify the Borrower that the loss payment has been so applied. In all cases a final FmHA Form 449–30 prepared and submitted by the lender must be processed by FmHA in order to close out the files at the FmHA Finance Office.

* * * * *

I. *Liquidation costs.* Certain reasonable liquidation costs will be allowed during the liquidation process. These liquidation costs will be submitted as a part of the liquidation plan. Such costs will be deducted from gross proceeds from the disposition of collateral unless the costs have been previously determined by the lender (with FmHA written concurrence) to be protective advances. If changed circumstances after submission of the liquidation plan require a revision of liquidation costs, the lender will procure FmHA's written concurrence prior to proceeding with the proposed changes. No in-house expenses of the lender will be allowed.

* * * * *

XVI. *Transfer and assumption cases.*

Refer to the applicable Subpart of Title 7 of CFR Part 1980.

If a loss should occur upon consummation of a complete transfer and assumption for less than the full amount of the debt and the transferor-debtor (including personal guarantees) are released from personal liability, the lender, if it holds the guaranteed portion, may file an estimated Report of Loss on Form FmHA 449–30, "Loan Note Guarantee Report of Loss," to recover its pro rata share of the actual loss at that time. In completing Form FmHA 449–30, the amount of the debt assumed, reduced by actual approved expenses incurred to consummate the transfer and assumption, will be entered on line 24 as Net Collateral (Recovery). Approved protective advances and accrued interest thereon made during the arrangement of a transfer and assumption, if not assumed by the Transferee, will be entered on Form 449–30, line 13 and 14.

* * * * *

XIX. *Notices.*

All notices and actions will be initiated through FmHA for —— (State) with mailing address at the date of this instrument —— Dated this —— day of —— 19 —.

* * * * *

9. As proposed, in Appendix C under the heading "Now, Therefore, The Parties Agree." paragraphs 6, 7, 8, 10 and the introductory paragraph of paragraph 13 are revised to read as follows:

Appendix C—Form FmHA 449–36, "Assignment Guarantee Agreement," United States Department of Agriculture, Farmers Home Administration

* * * * *

Now, Therefore, the parties agree:

* * * * *

5. *Full Faith and Credit.* The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which the Holder has actual knowledge at the time of this assignment, or which it participates in or condones. A note which provides for the payment of interest on interest shall not be guaranteed. Any Assignment Guarantee Agreement attached to or relating to a note which provides for payment of interest on interest is void.

6. *Rights and Liabilities.* The guarantee and right to require purchase will be directly enforceable by Holder notwithstanding any fraud or misrepresentations by Lender or any unenforceability of the Loan Note Guarantee by Lender. Nothing contained herein shall constitute any waiver by FmHA of any rights it possess against the Lender, and the Lender agrees that Lender will be liable and will promptly reimburse FmHA for any payment made by FmHA to Holder which, if such Lender had held the guaranteed portion of the loan, FmHA would not be required to make. The Holder(s) upon written notice to the Lender may resell the unpaid balance of the guaranteed portion of the loan assigned hereunder. An endorsement may be added to the Form FmHA 449–36 to effectuate the transfer.

7. *Repurchase by the Lender (Defaults).* The Lender has the option to repurchase the unpaid guaranteed portion of the loan from

the Holder(s) within 30 days of written demand by the Holder(s) when: (a) the borrower is in default not less than 60 days on principal or interest due on the loan or (b) the Lender has failed to remit to the Holder(s) its pro rata share of any payment made by the borrower or any loan subsidy within 30 days of its receipt thereof. The repurchase by the Lender will be for an amount equal to the unpaid guaranteed portion of principal and accrued interest (including any loan subsidy), less the Lender's servicing fee. The loan note guarantee will not cover the note interest on the guaranteed loan(s) accruing after 90 days from the date of the demand letter to the lender requesting the repurchase. Holder(s) will concurrently send a copy of demand to FmHA. The Lender will accept an assignment without recourse from the Holder(s) upon repurchase. The Lender is encouraged to repurchase the loan to facilitate the accounting for funds, resolve the problem, and to permit the borrower to cure the default, where reasonable. The Lender will notify the Holder(s) and FmHA of its decision.

8. *Purchase by FmHA.* If Lender does not repurchase as provided by paragraph 7, FmHA will purchase from Holder the unpaid principal balance of the guaranteed portion together with accrued interest (including any loan subsidy) to date of repurchase, less Lender's servicing fee, within 30 days after written demand from the Holder. The loan note guarantee will not cover the note interest on the guaranteed loans accruing after 90 days from the date of the original demand letter of the holder to the lender requesting the repurchase. Such demand will include a copy of the written demand made upon the Lender. The Holder(s) or its duly authorized agent will also include evidence of its right to require payment from FmHA. Such evidence will consist of either the original of the Loan Note Guarantee properly endorsed to FmHA or the original of the Assignment Guarantee Agreement properly assigned to FmHA without recourse including all rights, title, and interest in the loan. FmHA will be subrogated to all rights of Holder(s). The Holder will include in its demand the amount due including unpaid principal, unpaid interest (including any loan subsidy) to date of demand and interest (including any loan subsidy) subsequently accruing from date of demand to proposed payment date. Unless otherwise agreed to by FmHA, such proposed payment will not be later than 30 days from the date of demand.

The FmHA will promptly notify the Lender of its receipt of the Holder(s)'s demand for payment. The Lender will promptly provide the FmHA with the information necessary for FmHA's determination of the appropriate amount due the Holder(s). Any discrepancy between the amount claimed by the Holder(s) and the information submitted by the Lender must be resolved before payment will be approved. FmHA will notify both parties who must resolve the conflict before payment by FmHA will be approved. Such a conflict will suspend the running of the 30 day payment requirement. Upon receipt of the appropriate information, FmHA will review the demand and submit it to the State Director for verification. After reviewing the demand the State Director will transmit the request to the FmHA Finance Office for issuance of the appropriate check. Upon issuance, the Finance Office will notify the office servicing the borrower and the State Director and remit the check(s) to the Holder(s).

* * * * *

10. *Repurchase by Lender for Servicing.* If, in the opinion of the Lender, repurchase of the assigned portion of the loan is necessary to adequately service the loan, the Holder will sell the assigned portion of the loan to the Lender for an amount equal to the unpaid principal and interest (including any loan subsidy) on such portion less Lender's servicing fee. The loan note guarantee will not cover the note interest on the guaranteed loans accruing after 90 days from the date of the demand letter of the lender or FmHA to the Holder(s) requesting the Holder(s) to tender their guaranteed portion(s).

a. The Lender will not repurchase from the Holder(s) for arbitrage purpose or other purposes to further its own financial gain.

b. Any repurchase will only be made after the Lender obtains FmHA written approval.

c. If the Lender does not repurchase the portion from the Holder(s), FmHA at its option may purchase such guaranteed portions for servicing purposes.

* * * * *

13. *Notices.*

All notices and actions will be initiated through the FmHA —— for —— (state) with mailing address at the date of this instrument: —— Dated this —— day of ——, 19—.

* * * * *

10. As proposed, § 1980.411 paragraphs (a)(8) and (a)(9) are revised to read as follows:

§ 1980.411 Loan purposes.

(a) *Private entrepreneures.* * * *

(8) Loans, other than for working capital or debt refinancing, for meat processing facilities, and integrated meat and poultry operations. Loans may not be guaranteed for agricultural production as defined in § 1980.412 (e); however, applicants who are in the business of processing, marketing, or packing of agricultural products, as well as agricultural production may be eligible for loan assistance for that portion of the business other than agricultural production provided the agricultural production aspect is separate from the rest of the business; i.e., the production aspects are handled through separate legal business entities or through maintenance of the accounting system in such manner as to clearly identify the use of and future accounting of the loan proceeds and operation of the business.

(9) Loans, other than for working capital or debt refinancing, for commercial custom feedlot operations. As used herein, commercial custom feedlot operations mean those lots primarily feeding, on a custom basis, livestock which belongs to other than the feedlot owner-operator. This would not preclude assistance to those borrowers whose principals or members are farmers and ranchers whose individually owned livestock may be custom fed at the lot; provided, such principals' or members' personal financial conditions are not likely to adversely affect the financial success of the custom operation. In those cases where feedlot operators buy and feed for themselves, records and accounts of such operations shall be maintained in such manner that they may be identified separately from the custom feeding operation, and loan agreements and security instruments will specify that any losses incurred in the owner-operator operation will not be chargeable to the custom feeding operations.

* * * * *

11. As proposed, in § 1980.412, paragraph (e) is revised and paragraphs (h), (i), (j), (k), (l) and (m) are added to read as follows:

§ 1980.412 Ineligible loan purposes.

* * * * *

(e) For agricultural production which means the cultivation, production (growing), and harvesting either directly or through integrated operations of agricultural products (crops, animals, birds and marine life either for fiber or food for human consumption and disposal (marketing), the raising, breeding, hatching, including the control and management of farm and domestic animals). Exceptions to this definition are:

(1) Aquaculture as identified under eligible purposes.

(2) Commerical nurseries primarily engaged in the production of ornamental plants and trees and other nursery products such as bulbs, florists' greens, flowers, shrubbery, flower and vegetable seeds, sod, the growing of vegetables from seed to the transplant stage.

(3) Forestry which includes establishments primarily engaged in the operation of timber tracts, tree farms, and forest nurseries, and related activities such as reforestation.

(4) Loans for livestock and poultry processing as identified under eligible purposes.

(5) Loans for commercial custom feedlot operations as identified under eligible purposes.

(6) The growing of mushrooms or hydroponics.

* * * * *

(h) Charitable and educational institutions, churches, organizations affiliated with or sponsored by churches, and fraternal organizations.

(i) For lending and investment institutions and insurance companies.

(j) For assistance to government employees and military personnel who are directors, officers or have an ownership of 20% or more in the business.

(k) For any legitimate business activity when more than ten percent of the annual gross revenue is derived from legalized gambling activity.

(l) For any illegal business activity.

(m) For hotels, motels, tourist homes or convention centers.

(n) For any Tourist, Recreation or Amusement facility.

* * * * *

12. As proposed, § 1980.413 is amended to add paragraphs (c) and (d) and an "Administrative" paragraph to read as follows:

§ 1980.413 Transactions which will not be guaranteed. * * *

* * * * *

(c) The guarantee or making of any B&I loan(s) when the total amount requested is in excess of $10 million.

(d) The guarantee of making or any B&I alcohol production facilities loan(s) when the total amount requested is in excess of $20 million.

Administrative

The State Director will consider the overall State allocations of funding authority in recommending loans for processing. Loan requests which fall within Small Business Administration (SBA) authority should continue to be referred to SBA. If the State Director decides to process SBA size loans, the loan file must be fully documented as to the reasons for such action.

13. As proposed, § 1980.423 paragraph (a)(1) is revised to read as follows:

§ 1980.423 Interest rates.

(a) *Guaranteed loans.* * * *

(1) A variable interest rate must be a rate that is tied to a base rate published periodically in a financial publication specifically agreed to by the lender and borrower. It must rise and fall with the selected base rate and changes can be made no more often than quarterly. The lender must incorporate within the variable rate promissory note at loan closing the provision for adjustment of payment installments coincident with an interest rate adjustment to assure the outstanding principal balance is properly amortized within the prescribed loan maturity to eliminate the possibility of a balloon payment at the end of the loan.

* * * * *

14. As proposed, § 1980.424 is amended to add paragraph (d) and "Administrative paragraph D to read as follows:

§ 1980.424 Terms of loan repayment.

* * * * *

(d) FmHA will not guarantee any loan in which the Promissory note or any other document provides for the payment of interest upon interest.

Administrative * * *

* * * * *

D. *Par. (b).* State Director will assure that the loan officer reviewing the application fully evaluates the useful life of the collateral offered for the loan when determining maturities for the loan. Loan request for the maximum maturities could result in collateral obsolescence prior to full repayment of the indebtness. The loan file must be documented to support the maturity granted for the loan.

15. As proposed, § 1980.434 is revised to read as follows:

§ 1980.434 Equal opportunity and nondiscrimination requirements. (See Subpart A § 1980.41.)

Administrative

The State Director will assure that equal opportunity and nondiscrimination requirements are met. If there is indication of noncompliance with these requirements, such facts will be reported by the borrower, lender or FmHA offical in writing to the Administrator, ATTN: Equal Opportunity Officer.

16. As proposed, § 1980.442 the introductory paragraph and paragraph (c) are revised to read as follows:

§ 1980.442 Feasibility studies.

FmHA may require an applicant to provide a feasibility study prepared by an independent recognized consultant. The cost of such study will be borne by the applicant and may be paid from funds included in the loan. On loans of one million or more, feasibility studies by recognized independent consultants will be required. However, FmHA may make an exception to this requirement when the financial history of the business, the current financial condition and guarantees or other collateral are more than adequate to indicate the feasibility of the enterprises. The feasibility study outlines will be approved by FmHA. FmHA personnel may not recommend consultants but may provide the applicant with a list of consultants who have performed satisfactorily on previous projects. An acceptable feasibility study should include but not be limited to:

* * * * *

(c) *Technical feasibility.* Technical feasibility reports shall be prepared by individuals who have previous experience in the design and analysis of similar facilities and/or processes as are proposed in the application. The technical feasibility reports shall address the suitability of the select site for the intended use including an environmental impact analysis. The report shall be based upon verifiable data and contain sufficient information and analysis so that a determination may be made on the technical feasibility of achieving the levels of income and/or production that are projected in the financial statements. The report shall also identify any constrants or limitations in these financial projections and any other facility of design related factors which might affect the success of the enterprise. The report shall also identify and estimate project operating and development costs and specify the level of accuracy of these estimates and the assumptions on which these estimates have been based. For the purpose of the technical feasibility reports, the project engineer or architect may be considered an independent party provided the principals of the firm of any individual of the firm who participates in the technical feasibility report does not have a financial interest in the project, and provided further that no other individual of firm with the expertise necessary to make such a determination is reasonably available to perform the function.

* * * * *

17. As proposed, § 1980.433, paragraph (b)(1) and "Administrative" is revised to read as follows:

§ 1980.433 Collateral, personal and corporate guarantee, and other requirements.

* * * * *

(b) *Personal and corporate guarantees.*

(1) Unconditional personal guarantees (i.e., absolute guarantees of full and punctual payment and performancy by the borrower) from owners or major stockholders as determined by FmHA and all partners of partnerships unless restricted by the law *will* be required unless exempted as provided for in paragraph (b)(2) of this section. Guarantees of parent, subsidiaries, or affiliated companies and/or secured guarantees may also be required. FmHA is not co-guarantor with the personal or corporate guarantors. The personal and corporate guarantees are part of the collateral for the loan.

* * * * *

Administrative

A. *Par (a)(2).* FmHA's credit analysis of collateral will consist of the following:

(1) Little or no value will be assigned to unsecured personal or corporate guarantees.

(2) A maximum of eighty percent of current market value will be given to real estate. Special purpose real estate should be assigned less value.

(3) A maximum of seventy percent of book value will be assigned to accounts receivable (dependent upon analysis of collectibility) and Inventory.

(4) Collateral value assigned to machinery and equipment, furniture and fixtures will be based upon its marketability, mobility, useful life and alternative uses, if any.

B. *Par (b).* The State Director will assure that the collateral values and personal and corporate guarantees are fully reviewed, analyzed and the loan file is documented as to the facts and reasons for decisions reached.

18. As proposed, § 1980.451 is amended by adding paragraph (f)(1)(ix), and revising paragraphs (f)(5) (i)(9) and (i)(13), adding paragraph (i)(19), and revising the "Administrative" section to read as follows:

§ 1980.451 Filing and processing applications.

* * * * *

(f) *Preapplications.* * * *

(1) * * *

(ix) If a corporation, names and addresses of applicant's parent, affiliates and or subsidiary firms and a brief description of relationship, products, and ownership among applicant, parent, affiliates and subsidiary firms.

* * * * *

(5) For existing businesses a current balance sheet, and latest profit and loss statement (not more than 60 days old) and financial statements including parent, affiliate, and subsidiary firms, for at least the last 3 years or more if necessary for a thorough evaluation.

* * * * *

(i) *Applications will consist of:*

* * * * *

(9) Any credit reports obtained by the lender or FmHA on the borrower, its principals and parent, affiliates and subsidiary firms.

* * * * *

(13) Proposed loan agreement. (See paragraph VIII of Form FmHA 449–35). Loan agreements between the borrower and lender will be required. The final executed loan agreement must include FmHA's requirements as set forth in the Form FmHA 449–14 including the requirements for periodic financial statements and record keeping. There must be provisions for an annual audited financial statement of the borrower; it will be prepared by an independent certified public accountant or by an independent public accountant licensed and certified on or before December 31, 1970, by a regulatory authority of a State or other political subdivision of the United States. An acceptable audit will be performed in accordance with generally accepted accounting standards and include such tests of the accounting records as the auditor considers necessary in order to express an option on the financial condition of the borrower. FmHA does not require an unqualified audit opinion as a result of the audit. However, FmHA will not accept a limitation to the scope of the audit. Compilation or reviews do not satisfy the audit requirement. The loan agreement must also include but is not limited to the following:

(i) Prohibitions against assuming liabilities or obligations of others.

(ii) Restrictions on dividend payments.

(iii) Limitation on purchase or sale of equipment and fixed assets.

(iv) Limitation on compensation of officers and owners.

(v) Minimum working capital requirements.

(vi) Minimum debt to net worth ratio.

(vii) Restrictions concerning consolidations, mergers or other circumstances.

(viii) Limitations on selling the business without concurrence of the lender and FmHA.

(ix) Repayment and amortization of the loan.

(x) List of collateral for the loan including a list of persons and/or corportations guaranteeing the loan with schedule for providing the lender and FmHA with personal and/or corporate financial statements (See § 1980.443).

* * * * *

(19) On any request for refinancing of existing loan(s) as authorized under § 1980.411(a)(12), the lender is required, as a minimum, to obtain the previously held collateral as security for the guaranteed loan(s). Additional collateral will be required by FmHA when refinancing of unsecured or undersecured loans is unavoidable in order to accomplish the necessary strengthening of the firm's current position.

* * * * *

Administrative

A. The County Supervisor and District Director

1. Determines if material and information submitted is complete and signed by the appropriate party.

2. Prepares and submits to State Director their comments and recommendations. Such comments will include but are not limited to the following: Community attitude toward project; a summary of comments regarding the proposal by the lender, county leaders, and other interested parties; whether the project is likely to result in the need for additional community facilities such as schools, water, sewer, and health care services, and if so, the community's plan for providing such facilities; availability of any required additional labor force and training plans for such force, if needed; and economic forecast of the effect on the community should the project fail, if financed.

3. The County Supervisor will furnish all individuals acting in a personal capacity at the time of filing a preapplication or application, two copies of Form FmHA 410–9. The individual will sign both copies, retaining one and providing FmHA with the other copy which becomes a part of the loan file.

4. The County Supervisor will provide any source from whom FmHA obtains information concerning an individual with two copies of Form FmHA 410–10. The source will sign both copies, retain one and provide FmHA with the other copy which becomes a part of the loan file.

B. *The State Director or designee:*

1. Will provide the County Supervisor with assistance as may be necessary to assure that the applicants and lenders are currently and correctly advised throughout preapplication and application processing.

2. Will prepare and submit Form FmHA 2033–37, "Rural Community Facility Applicant/Borrower Definition," Form FmHA 2033–38, "Rural Community Facility and Funding Data," Form FmHA 2033–39, "Rural Community Facility Status Detail," Form FmHA 2033–40, "Rural Community Facility Fund Dispositions," and Form FmHA 2033–41, "Rural Community Facility Actual Verifications of Employment and Users," in accordance with FmHA Instructions 2033–F. The Standard Industrial Classification (SIC) manual will be used in coding of projects.

3. Will forward immediately to the National Office on all projects:

(a) Form FmHA 449–22, (7 copies) for loans over $1,000,000 and when direct employment increases more than 50 employees.

(b) For insured loans where the applicant leases facilities to another, submit Form FmHA 449–22 for such applicant. The lessor(s) will also be required to provide Form FmHA 449–22. Subsequent loan request resubmission of Form FmHA 449–22.

(c) Form FmHA 449–4 (5 copies) only for these loans which the State Director believes a character evaluation check is advisable. Applicants should be advised that these clearances will take approximately 60 days to process and that the National Office will take no action to expedite such processing.

Note.—Forms FmHA 449–22 and 449–4 should *only* be processed if a *complete* preapplication or application has been received.

C. *Miscellaneous Administrative provisions:*

1. *par (f).* Preapplications are not to be accepted or processed unless a lender has agreed in writing to finance the proposal. The preapplication letter is a joint letter prepared by the applicant and lender.

2. *par (g).* Upon receipt of all preapplications in excess of $5 million the State Director will transmit to the National Office the material required under § 1980.451(f)(1) (4) and (5) of this subpart together with recommendations and observations including an analysis of the quality and permanency of the employment opportunities involved in the project. The

National Office will review the proposed project in relation to objectives, priorities, and intent of the program and will advise the State Director. After receiving the National Office advice or for loans less than $5 million, the State Director will inform the applicant of the decision. (Copy sent to County Supervisor.)

3. *par (i).* State Director submits a transmittal letter with recommenations on loan applications requiring National Officer review. Included are:

(a) Loan file.

(b) Form FmHA 449–29, "Project Summary," including State Director's spread sheets, financial history, and projections (use attachments to Project Summary if necessary).

(c) Proposed Form FmHA 449–14.

(d) Copy of FmHA State Loan Review Board minutes.

(e) Notification of required financial and other reports, their frequency, due dates, and fiscal year end.

4. *par (i) (9), Credit reports.*

(a) The National Office has contracted with Dun and Bradstreet, Inc., (the contractor, D&B) for a complete credit reference and monitoring system for use by FmHA National and State Offices. The system provides an independent source of credit information for analyzing applications and provides continuous monitoring of all loan accounts registered.

(b) The State Director will appoint a member of the State staff to act as a State Coordinator for the services. Such coordinator will be provided with instructional material necessary to use this service. The contractor will assign a D&B account executive from the nearest D&B office for assistance to the FmHA State Office Coordinator, answer inquiries, assure proper service, deliver the National Reference Books, and deliver inquiry request forms to the State Office Coordinator. The local D&B office should be notified whenever a new Coordinator is assigned. D&B will then make arrangements to instruct the new Coordinator relative to how best to use the D&B service.

(c) The Credit Reference and Monitoring System Service consist of:

(1) *Credit Reference Service*—One set of Dun & Bradstreet National Reference Books will be delivered to each State Office. These books provide a quick source of certain basic information on a business such as:

(A) Function.

(B) Correct business title.

(C) The age of the business.

(D) Capitalization.

(E) Credit appraisal.

(2) *Business Information Report Service*—When it has been determined that a preapplication or application will be considered for further processing, the State Office Coordinator will order a credit report on the business. The contractor will provide each State Office with a supply of prenumbered (separate number for each State) Dun & Bradstreet, Inc. Subscriber Inquiry forms JTC 25592 for use in ordering the credit report. The form will contain a complete and correct business name and address. Insert in the "Remarks" section a list of the name(s) of principal(s). The inquiry form is mailed to the designated D&B office for processing. The credit report will be sent by D&B directly to the State Office Coordinator. Telephone request for reports will be accepted by all local D&B offices. Dun & Bradstreet has begun a new service known as Duns DIAL. (Direct Information Access line). Duns DIAL provides a Toll Free 800 Number for each FmHA office to call for instant report information direct from the D&B National Information Center at Berkley Heights, N.J.

It provides telephone read-outs of reports from D&B's data bank that are as brief or as comprehensive as is needed. States may verify mailing dates of ordered reports, or ask for key-point read-out, full report read-out, or request priority handling of any inquiry when the D&B report must be up-dated. If loan dockets are sent to the National Office for review, they will contain a copy of the D&B credit report.

Note.—The National Office may also initiate requests for these reports and will notify the State Office.

The "normal" delivery of information by Dun & Bradstreet includes all follow-up reports written during the year following a request for a report. One-Shot reports are available but, in practice, it is not generally feasible to order a D&B without follow-ups. States will automatically receive Continuous Report Service if a One-Shot Report is not specifically requested.

(3) *Dun's Special Purpose Report*—This is a special comprehensive report on business and principals providing an indepth investigation and detailed information. If a State Director feels such a report is needed to assist in the review of an application, to make a decision or gain additional information concerning a closed loan. This service is a valuable tool to be used anytime during the life of the loans when a decision must be made. These reports may also be used for non-credit-orientated business decisions.

(4) *Key Account Report*—These may be ordered when a decision concerning short-term credit is needed.

All Dun's Special Purpose and Key Account Reports must be ordered by memo to the National Office. These should be submitted in narrative form explaining in detail the nature of the information requested. Since these reports are charged by the hour it is imperative that specific and complete information be given. All requests should include the name and address of the borrower, amount of loan requested, purpose of the guarantee, principals involved, and any background which would be relevant to your request. The name and telephone number of the loan officer in charge should also be provided so that the D&B representative may contact him if the need arises.

(5) *Change Notification Service*—This is a continuous monitoring service whereby D&B in Washington, D.C., will coordinate with the National Office to provide certain data relating to then existing Business and Industry Loans.

(i) Each State Coordinator will provide the National Office with an initial listing of all existing business names and addresses where Loan Note Guarantees or letter of conditions has been issued and thereafter, on a monthly basis, a listing of additional names or deletions.

(ii) The National Office will forward the combined listing to D&B, who thereafter will provide a continuous monitoring of these businesses. D&B will report any significant changes that may have developed which affect the business. Such changes will be reported on a D&B change notice Form 9 W2–11 and will be sent by D&B to the National Office. The National Office will review the change notice and send a copy to the State Office Coordinator who may request a D&B updated credit report or take any appropriate follow-up action required. (This system is to be used as a supplement for FmHA's monitoring functions.)

File documentation.

5. Applications will be organized in a loan file in accordance with FmHA Instruction 2033–A, Exhibit A. An 8–position folder will be utilized. The State Director may supplement the Position Guides to include specific legal requirements within their State. If the applicant prepares a complete application package, it may accompany the loan file provided the file is organized in a binder, indexed, tabbed, and feasiblility studies are kept separate. It is the responsibility of FmHA employee who works on an application or any servicing action to add to the correspondence section of the loan file (also known as the running record) a written report of any field visits, meetings, telephone conversations of any importance and memorandums covering decisions or reasons for FmHA actions on the case. Particular attention must be given to this requirement on cases that become delinquent or problems in order that FmHA's position will be defendable in event of an adverse action.

6. *Par. (i)(13), Audit agreements and requirements.* FmHA urges the use of a written agreement between the auditor and borrower to assure there is no misunderstanding concerning FmHA requirements.

* * * * *

17. As proposed, § 1980.452 is amended by revising the introductory section and the introductory paragraph of "Administrative paragraph D" to read as follows:

§ 1980.452 FmHA evaluation of application.

FmHA will evaluate the application. FmHA will make a determination whether the borrower is eligible, the proposed loan is for an eligible purpose, and that there is reasonable assurance of repayment ability, sufficient collateral, and sufficient equity and the propsed loan complies with all applicable statutes and regulations. If FmHA determines it is unable to guarantee the loan, the lender will be informed in writing. Such notification will include the reasons for denial of the guarantee. If FmHA is able to guarantee

the loan, it will provide the lender and the applicant with Form FmHA 449–14, listing all requirements for such guarantees. FmHA will include in the requirements of the Conditional Commitment for Guarantee a full description of the approved use of guaranteed loan funds as reflected in the Form FmHA 449–1. The Conditional Commitment for Guarantee may not be issued on any loan until the State Director has been notified by the National Office that the Statement of Personal History(s) has been processed and cleared. FmHA State Directors are the only persons authorized to execute Form FmHA 449–14.

Administrative

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D. Applications will be analyzed by a FmHA State Loan Review Board before execution of Form FmHA 449–14. When analyzing the B&I loan request, the State Loan Review Board will specifically address the issue of the guarantee percentage to be approved. Consideration of reducing the maximum guarantee to less than 90 percent is appropriate when the loan has sufficient strength to warrant further participation by the private sector or refinancing of existing lender debts to the borrower is involved. All review board meetings will be fully documented, including the review and decision concerning the guarantee percentage and will be signed by those FmHA employees serving on the board. A copy of such documentation will be retained in the loan file.

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20. As proposed, § 1980.454 is revised, "Administrative" is amended by revising paragraphs A 2, B and adding paragraphs D, E, and F to read as follows:

§ 1980.454 Conditions precedent to issuance of the loan note guarantee.

In addition to compliance with the requirements of Subpart A, § 1980.60 compliance with the following provisions are required prior to issuance of the Loan Note Guarantee.

(a) *Transfer of lenders.* The FmHA State Director may approve a substitution of a new eligible lender in place of a former lender who holds an outstanding Conditional Commitment for Guarantee, (where Loan Note Guarantee has not yet been issued) provided, there are *no changes* in the borrower's ownership or control, loan purposes, scope of project and loan conditions in the Form FmHA 449–14 and loan agreement remain the same. To affect such a substitution the former lender will provide FmHA with a letter stating the reasons it no longer desires to be a lender for the project. The substituted lender will execute a new Part "B" of Form FmHA 449–1. If approved by FmHA, the State Director will issue a letter or amendment to the original Form FmHA 449–14 reflecting the new lender and the new lender will acknowledge acceptance of the letter or amendment in writing.

(b) *Substitution of borrowers.* FmHA will not issue a Loan Note Guarantee to the lender who is in receipt of a Form FmHA 449–14 with an obligation in a previous fiscal year if the originally approved borrower (including changes in legal entity) or owners are changed. The only exception to this provision prohibiting a change in the legal entity's form of ownership is when the originally approved borrower or owner is replaced with substantially the same individuals with substantially the same interests, as originally approved and identified in the Form FmHA 449–1, item 15. All requests for exceptions must be approved by the FmHA National Office.

(c) *Changes in terms and conditions in Form FmHA 449–14.* It is the intent of FmHA that once the Form FmHA 449–14, "Conditional Commitment for Guarantee" is issued and accepted by the lender that the Commitment not be modified as to the scope of the project, overall facility concept, project purpose, use of proceeds, or terms and conditions. Only minor changes will be considered, unless otherwise provided for in this subpart. All requests for changes will require National Office approval.

(d) *Additional requirements for B&I guaranteed loans.* All B&I borrowers and lenders, as applicable, must comply with Appendix D, paragraphs I A. and B.; II A. through II A. 2. g. (1); II B and C; III A., B., C., D., and E.

(e) *Preguarantee audit.* Coincident with or immediately after loan closing, the lender will contact FmHA and provide those documents and certifications required in § 1980.60 and § 1980.61 of this subpart. Only when the FmHA B&I Chief or Loan Specialist as required in paragraph B. (Administrative) of this action is satisfied that all conditions for the guarantee have been met will the Loan Note Guarantee be executed.

(f) *Loan closing.* When loan closing plans are established, the Lender will notify the FmHA.

(g) *Closing of working capital loans.* The State Director will not issue a Loan Note Guarantee for a working capital loan prior to the completion of all proposed construction for the project.

Administrative

A. *The State Director reviews:*

1. * * *

2. Plans for inspection made on construction projects. These should be coordinated with the lender and borrower. Form FmHA 424–12, "Inspection Report," may be used by the State Engineer or Architect who will make an inspection of the projects which involve substantial construction. The inspection shall be completed prior to the issuance of the Loan Note Guarantee to assure all construction is complete. The State loan specialist or chief may also participate in the inspections.

B. In all cases, the B&I Chief or the B&I Loan Specialist will conduct a preguarantee audit before issuance of the Loan Note Guarantee to assure that all requirements of the application, Conditional Commitment for Guarantee, and Loan Agreement have been met including the required certifications using language specified by the regulations, and will provide such verification in the loan file including arrangements for annual audit reports. In the conduct of this audit, all requirements of Section 1980.60(a) will be reviewed and special attention should be paid to reviewing current financial statements of the borrower to assure that no adverse change has taken place. The District Director may participate in the audit.

* * * * *

D. *par (a) Transfer of Lender.* The State Director will analyze all requests for substituted lenders including the servicing capability, eligibility, and experience of the new lender before the request is approved. If approved, notify the Finance office of the change using Form FmHA 1980–42, "Notice of Substitution of Lender." Do not deobligate and reobligate the loan if the Form FmHA 449–14 was issued in a previous fiscal year.

E. *par (b) Substitution of borrowers.* The State Director will review any request for exceptions to substitution of borrowers and forward such requests with a memorandum of facts and recommendation to the National Office for a decision. The National Office will not approve any request where the legal entity is changed, such as from a corporation to a partnership, etc., or if the ownership changes more than 20 percent.

F. *par (c) changes in terms and conditions in Form FmHA 449–14.* The State Director will review any requests for changes to Form FmHA 449–14 and forward such request with a memorandum of facts and recommendations to the National Office for a decision. The National Office will approve only minor changes which do not materially affect the project, its capacity, employment, original projections, or credit factors. Changes in legal entities or where tax considerations are the reason for change will not be approved.

* * * * *

21. As proposed, § 1980.471, "Administrative" paragraph "C" is revised to read as follows:

§ 1980.471 Liquidation. (See § 1980.64)

Administrative

* * * * *

C. The State Directors are authorized to approve Lender Liquidation plans after they have been submitted with the State's recommendations to Director, Business and Industry Division for review prior to

approval. The State Director's approval of such plans must be in writing and such approval authority cannot be redelegated. State Directors will not approve lender's liquidation plans which are contrary to the National Office recommendations.

* * * * *

22. As proposed, § 1980.473 is revised to read as follows:

§ 1980.473 Additional loans or advances. (See Subpart A, 1980.66)

Administrative

Only the State Director shall approve within his/her loan approval authority additional non-guaranteed loans or advances prior to or subsequent to the issuance of the Loan Note Guarantee. The State Director shall determine that there will be no adverse changes in the borrower's financial situation and that such loan or advance is not likely to adversely affect the collateral or the guaranteed loan.

* * * * *

23. As proposed, § 1980.475 is added to read as follows:

§ 1980.475 Bankruptcy.

It is the lender's responsibility to protect the guaranteed loan debt and all the collateral securing it in bankruptcy proceedings. These responsibilities include but are not limited to the following:

(a) The lender will file a proof of claim where necessary and all the necessary papers and pleadings concerning the case.

(b) The lender will attend and where necessary participate in meetings of the creditors and all court proceedings.

(c) The lender whose collateral is subject to being used by the trustee in bankruptcy will immediately seek adequate protection of the collateral.

(d) Where appropriate, the lender should seek involuntary conversion of a pending Chapter XI case to a liquidating proceedings under Chapter VII or under Section 1123(b)(4) or seek dismissal of the proceedings.

(e) FmHA will be kept adequately and regularly informed in writing of all aspects of the proceedings.

(1) In a Chapter XI reorganization, if an independent appraisal is necessary in FmHA's opinion to protect the guaranteed loan debt and/or collateral securing it, FmHA and the lender will share such appraisal fee equally.

(2) Expenses on Chapter XI *reorganization* cases are not to be deducted from the collateral proceeds. Reasonable and customary liquidation expenses may be deducted from the collateral proceeds in liquidation cases under Chapter VII *liquidations* provided the lender presents a written justification for each expense and secures FmHA's written concurrence prior to incurring the expense.

Administrative

A. It is the responsibility of the State B&I Chief to see that FmHA is being fully informed by the lender in all bankruptcy cases.

B. All bankruptcy cases should be reported immediately to the National Office by utilizing and completing a problem/delinquent status report. The Regional Attorney must be informed of the proceedings promptly.

C. Chapter XI pertains to a reorganization of a business contemplating an ongoing business rather than a termination and dissolution of the business where legal protection is afforded to the business as defined under Chapter XI of the Bankruptcy Code. Consequently, expenses incurred by the lender in a Chapter XI reorganization can never be liquidation expenses unless the proceeding becomes a liquidating XI. If the proceeding should become a liquidating XI, reasonable and customary liquidation expenses from that point forward may be shared as provided by the Lender's Agreement.

D. The State Director may approve the repurchase of the unpaid guaranteed portion of the loan from the holder(s) to reduce interest accruals during Chapter VII proceedings or after a Chapter XI proceeding becomes a liquidation proceeding. If the lender is the holder, an estimated loss payment may be filed at the initiation of a Chapter VII proceeding or after a Chapter XI proceeding becomes a liquidation proceeding. On loans in bankruptcy any loss payment must be handled in accordance with the Lender's Agreement and carry the approval of the State Director.

E. The State Director must approve in advance and in writing the lender's estimated liquidation expenses on loans in liquidation bankruptcy. These expenses must be reasonable and customary.

* * * * *

24. As proposed § 1980.476 is amended by adding a paragraph (p) to read as follows:

§ 1980.476 Transfer and assumptions.

* * * * *

(p) If a loss should occur upon consummation of a complete transfer of assets and assumption for less than the full amount of the debt and the transferor-debtor (including personal guarantees) are released from personal liability, the lender, if it holds the guaranteed portion, may file an estimated Report of Loss on Form FmHA 449–30, "Loan Note Guarantee Report of Loss," to recover its pro rata share of the actual loss at that time. In completing Form FmHA 449–30, the amount of the debt assumed, reduced by actual approved expenses incurred to consummate the transfer and assumption, will be entered on line 24 as Net Collateral (Recovery). Approved protective advances and accrued interest thereon made during the arrangement of a transfer and assumption, if not assumed by the transferee, will be entered on Form 449–30, lines 13 and 14.

* * * * *

25. As proposed, § 1980.488 is revised to read as follows:

§ 1980.488 Guaranteed industrial development bond issues.

(a) Loans to public bodies will be guaranteed only in connection with the issuance of any class or series of industrial development bonds (as defined in Section 103(c)(2) of the Internal Revenue Code of 1954, as amended (IRC)), the interest on which is included in gross income under IRC. No part of the loan guaranteed by FmHA may extend to any class or series of industrial development bonds the interest on which is excludable from gross income under Section 103(a)(1) of such Code. Before the execution of any Loan Note Guarantee, the lender will furnish FmHA evidence regarding interest on bonds being taxable for Federal income tax purposes. Such evidence will be in the form of an unqualified opinion of a recognized bond counsel or a ruling from the Internal Revenue Service. Guaranteed loans to public bodies can only be used for constructing and equipping industrial plants for lease to private businesses engaged in industrial manufacturing and does not provide funds for debt refinancing, working capital, and other miscellaneous fees, charges or services. The lessee will have to provide necessary capital and sufficient financial strength to provide for a sound project.

(b) If FmHA and the applicant agree that a guaranteed lender is not available the application may be considered for an insured loan under the provisions of § 1980.481.

Administrative

The Lender is responsible to notify the FmHA of the taxability of the proposed bond issue.

* * * * *

26. As proposed, § 1980.495 is revised to read as follows:

§ 1980.495 FmHA forms and guides.

(a) *FmHA forms incorporated in this Subpart.* The following are incorporated herein and made a part hereof:

(1) Form FmHA 449–1, "Application for Loan and Guarantee" is referred to as "Appendix A",

(2) The Certificate of Incumbency and Signature is referred to as "Appendix B",

(3) Guidelines for Guarantees for Alcohol Fuel Production Facilities is referred to as "Appendix C", and

(4) Alcohol Production Facilities Planning, Performing Development and Project Control is referred to as "Appendix D".

(b) *FmHA guides used for processing loan guarantees.* The following guides will be used in connection with processing loan guarantees as applicable.

Appendix "C"—"Guidelines for Loan Guarantees for Alcohol Fuel Production Facilities."

Appendix "D"—"Alcohol Production Facilities Planning, performing Development and Project Control."

Appendix "E"—"Environmental Assessment Guidelines."

27. As proposed, Appendices C, D, and E are added and read as follows:

Appendix C.—Guidelines for Loan Guarantees for Alcohol Fuel Production Facilities

1. *Alcohol Production Facility.* An alcohol production facility is a facility in which alcohol, suitable for use by itself or in combination with other substances as a substitute for petroleum or petrochemical feedstocks and not suitable for beverage purposes, is manufactured from biomass.

2. The alcohol production facility includes all facilities necessary for the production and storage of alcohol and the processing of the by-products of alcohol production. The intent is to limit the alcohol and by-products processing facilities to those facilities which are necessary to yield marketable products and necessary for the financial success of the project. Further refinement, such as gasoline blending or construction of facilities which use the alcohol or by-products in another manufacturing process are not considered part of the alcohol production facility.

3. Applications will be reviewed by both B&I personnel and the State Office engineer and forwarded to the National Office if approval is recommended.

4. The maximum loan size will be $20,000,000.

5. The applicant should have a startup *tangible* book equity of 20-25 percent. (Appraisal surplus and subordinated debt are not eligible equity items.)

6. Loan maturity maximums will be as follows:

Real Estate=15–20 years
Machinery & Equipment=10 years or less depending on the estimated life of the equipment involved.
Working Capital=3 years (It is assumed that the additional equity required for these projects will provide much of the working capital needs.)

7. FmHA will ordinarily only finance new facilities and will not get involved in the refinancing of existing ones.

8. Priority consideration will be given to the use of a primary fuel other than petroleum or natural gas.

9. A positive energy balance must be indicated and supported by appropriate data.

10. Plant location in relation to feedstocks, primary fuel and markets for product and by-products will be an important consideration.

11. Debt refinancing will only be considered in modest amounts and only when necessary to provide a satisfactory lien position.

12. Feasibility studies are very important and required and will be prepared by competent and knowledgeable independent parties.

13. Participating lenders must either have expertise or the availability of expertise in this field.

14. The proposed operating managers must have experience in this or a related field.

Appendix D.—Alcohol Production Facilities, Planning, Performing Development and Project Control

I. Design Policy

The borrower shall ensure or cause to be ensured that:

A. All project facilities are designed utilizing accepted engineering practice and are conformed to applicable Federal, State and local codes and requirements.

B. Proven equipment and processes are employed in all project facilities unless an exception is granted by the Administrator or designee of the Farmers Home Administration ("Administrator") in accordance with paragraph (B)(2) hereof and pilot equipment or processes are used instead.

1. Equipment and processes shall be considered "proven" if they have been successfully employed in other commercial facilities.

2. Equipment and processes shall be considered pilot if they have not been used in a commercial operation but have been operated on a scale such that all design and material problems have been identified and resolved and operations maintained to demonstrate that the equipment and process may be successfully applied to the proposed commercial operation. Pilot equipment and processes may be considered for use in the project subject to the following:

a. The plans, specifications, and operational data for the applicable facilities are reviewed by the Administrator or designee and lender. If, in the opinion of FmHA, the proposed processes or equipment are insufficiently developed to assure reliable and successful operation of the project, proven processes and equipment will be utilized.

b. If pilot processes or equipment are used the Administrator or designee will also require that:

(i) Reasonable provision is made in the project for conversion to proven equipment or processes; and/or

(ii) That the borrower agrees to convert to proven equipment or processes if conversion is necessary to protect the interest of the Government in the project. A reserve account for this conversion may be required. This account will not be an eligible loan purpose.

C. Facility and equipment design incorporates cost-effective primary fuel systems, energy recovery systems and conservation measures to the maximum extent this is feasible and consistent with the paragraphs I.A; and I.B. of this appendix.

II. Technical Services

A. The borrower is responsible for selection engineering consultants with suitable experience, training and professional competence in the design and construction of the project to assure that the completed project will operate at the prescribed levels of performance. In discharging its responsibility the borrower will obtain or cause to be obtained:

1. Full engineering services for design and construction inspection for all project facilities. Resident inspection by qualified persons will be required.

2. Agreements for engineering or design/build services which describe the project facilities in terms of the parameters critical to the successful operation of the project. The parameters shall include input quantities, conversion efficiency, rate of production and fuel consumption and product quality under normal operating conditions. The design parameters will be mutually agreed upon by the borrower, lender, the State Director and the project engineer, and may not be modified without the written concurrence of each of these parties. These agreements for engineering or design/build services will require, or the borrower will otherwise obtain assurance satisfactory to the State Director, that:

a. The project engineer will maintain adequate insurance to protect the borrower, lender and the Government from incurring expenses resulting from errors and omissions of the engineer in performance of engineering services.

b. The project engineer will certify that only proven equipment and processes will be utilized in the proposed development. The State Director may request evidence of successful operation of such proven equipment and process. If proven equipment or processes are not used in the project, the project engineer will identify these items and provide the information necessary for acceptance by the Administrator, borrower and lender in accordance with paragraph I.B. 2 of this appendix.

c. If used equipment or existing facilities are incorporated into the project, they must be inspected by the project engineer or by another qualified engineer of the borrower. This engineer will prepare a report describing the proposed facilities or equipment and commenting on their suitability for use in the project. The report will also identify the modifications necessary for successful integration into the project. A cost estimate will also be included comparing new equipment and facilities to the proposed existing facilities or used equipment. Consideration must be given to the relative energy requirements of used and new facilities and their relative operation and maintenance costs.

d. The project engineer or qualified individuals representing the manufacturer of

principal equipment (or the disigner/builder if the contractor has designed the plant) will visit the plant site at reasonable intervals for a period of one year after substantial completion of the project. Such personnel will be experienced in the proper operation and maintenance of applicable plant components. A report will be presented to the borrower within two weeks of each site visit advising the borrower of operation and maintenance dificiencies. A copy of each report will be forwarded to the State Director and lender by the borrower.

e. The project engineer will prepare or supervise the preparation of record drawing of all facilities. One copy will be submitted to the lender and the borrower.

f. The project engineer or another group acceptable to the State Director and lender will prepare an operation and maintenance manual and assist the borrower in the start up of the project. The operation and maintenance manual will describe the specific operation and maintenance procedures which must be performed for the project to operate at its rated capacity and efficiency and outline product testing, quality control, plant safety and emergency shut down procedures.

g. The project engineer will assist the borrower in determining acceptability of materials, equipment and construction during the construction period, review shop drawings, payment estimates and change orders, and assist in determining substantial completion of the project and final completion of individual contracts.

(1) The project is substantially complete when:

(i) Construction is sufficiently completed in accordance with plans and specifications so that the project may be used for its intended purpose. and;

(ii) The project is producing products of the quantity and quality and at the conversion and energy efficiencies proposed in the completed application submitted by the lender and borrower and approved by the FmHA.

(2) The State Director must concur in the determination of substantial completion of the project. The following evidence, in form and substance satisfactory to the State Director, must be submitted prior to such concurrence.

(i) A certificate from the project engineer stating that all facilities are substantially complete. Engineers who design specialized equipment or processes must also certify that construction/fabrication is acceptable and in accordance with plans and specifications previously approved by them.

The certification of the project engineer must be based upon a project start up procedure where the complete project operates continuously to reach steady-state operating conditions. During this period contractors and engineers will identify and correct problems in operations, malfunctions in equipment, failure in materials and defects in workmanship. After this pre-start up, the certifying engineers will monitor project operations for a continuous period of at least 72 hours or 3 consecutive batch runs as appropriate to assure that all equipment is operating satisfactorily at rated capacity and efficiency.

(ii) Copies of system operation and performance data obtained during project start up.

(iii) Exceptions to substantial completion and a list of non-substantial items which must be completed prior to release of any contractor's retainage.

(3) If the project is not producing products of the required quantity or quality nor at the prescribed conversion efficiencies even though the project is otherwise physically substantially complete in accordance with paragraph (1).i. of this subparagraph, the project engineer will prepare a report identifying the corrective actions including an estimate of costs and additional time necessary to meet established performance criteria.

(4) The project must be certified to be substantially complete by an independent engineer if any portion of the project has been designed by the borrower or the project engineer has participated in any portion of the construction.

B. Modifications of plans and specifications will not be made without the written authorization of the engineers responsible for the design of the affected portions of the project.

C. Reviews and construction inspections by the Administrator, State Director or their representatives, are solely for the benefit of the Government and are not intended to relieve the lender or borrower of corresponding obligations to conduct similar reviews and inspections. The Administrator, State Director or their representative's acceptance or concurrence in feasibility studies, preliminary engineering reports, plans, specifications, contract documents and payment estimates will not be construed as a representation of the adequacy of same, reliability of cost estimates or quality of construction, nor will such acceptance or concurrence be deemed a waiver of any of the Government's rights or remedies against any person or party.

III. Contracts

A. Borrower will not award contracts for the construction of any project facilities unless and until:

1. The borrower obtains applicable construction permits, right of ways, licenses and approvals of Federal, State and local authorities for the construction of such facilities.

2. The State Director concurs in applicable plans, specifications and contract documents.

B. The borrower has the responsibility, without recourse to the Government for the settlement and satisfaction of all contractual and administrative issues arising out of procurements. This includes, but is not limited to disputes, claims, protests of awards, or other matters of a contractual nature. Matters concerning violation of laws are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

C. The borrower's attorney will review excecuted contract documents including applicable performance and payment bonds and provide a certificate to the borrow and lender that they have been properly executed and that the persons executing these documents have been properly authorized to do so.

D. In all contracts for construction or facility improvement awarded in excess of $100,000, the borrower will require bonds and a bank letter of credit or cash deposit in escrow, assuring performance and payment of 100 percent of the contract cost. The surety will normally be in the form of performance and payment bonds. Such assurance shall remain in full force and effect through any warranty period.

E. Project Changes.

1. Construction contracts will require that change orders receive prior approval from the lender when such changes:

a. Increase or decrease contract price.

b. Materially modify contract provisions.

c. Increase or decrease time of completion.

d. Affect project performance.

2. All change orders will be recorded on a chronologically numbered contract change order as they occur. Change orders will not be included in payment estimates until approved by the borrower, project engineer, the lender and concurred in by FmHA.

3. Any change in the project which affects its ultimate financial viability or compliance with this conditional commitment must have prior approval of the Administrator or designee and still be economically feasible.

F. Warranty

1. All major equipment must be guaranteed to be free from defects in workmanship and materials for a period of one year after start up of equipment.

2. Equipment purchased by a construction contractor or design builder and all other work shall be further warranted by the contractor or the design builder for a period of one year after substantial completion of the contract.

3. Applicable provisions to this effect shall be included in equipment purchase orders or construction contracts.

IV. Project Control

A. Lender will adopt project control procedures to assure that loan funds are applied for costs or expenses properly attributable to the project ("Eligible Project Costs") as proposed in the completed application submitted by the lender and borrower and approved by the FmHA. A project monitoring account ("Project Monitoring Account") will be developed by lender for this purpose and concurred in by the State Director. This account will be divided into sufficient budget categories to permit adequate control of expenditures and identification of potential budget overruns.

B. The first advance ("First Advance") of loan funds to the borrower will not commence form the Project Monitoring Account prior to lenders receipt of evidence that:

1. The borrower has made adequate provisions for compliance with measures established by FmHA to mitigate adverse historical and environmental impacts.

2. Applicable engineering, design/build, construction management, inspection and plant start up service agreements have been obtained and accepted by the State Director.

3. The project engineer has prepared a detailed cost estimate and construction schedule for all facilities related to the project. This estimate must indicate that the project can be completed with the funds available as shown on the Form FmHA 449–1. A reasonable contingency amount will be included in the estimate. This contingency shall be at least 20% of the estimated project costs for which firm bids have not been received plus 5% of project costs for which firm bids have been received. Construction interest and inspection costs will be based upon a reasonable contingency for unforeseen delays in project completion.

4. All funds necessary for construction of project facilities will be available when needed.

5. The borrower has retained a project manager with sufficient experience and training to supervise project construction and engineering services on behalf of the borrower.

C. After the first advance, future advances may be made from the Project Monitoring Account, in accordance with prudent lender practice, for all Eligible Project Costs established in the Project Monitoring Account, provided these payments are made in accordance with the terms of applicable contracts and are approved by the borrower and, when applicable, recommended by the project engineer.

D. Payments for Eligible Project Costs incurred by the borrower prior to satisfaction of the conditions precedent to the first advance shall be made with borrower's funds or other non-guaranteed loan funds only. These payments, however, may be reimbursed through the Project Monitoring Account as authorized by the State Director after compliance with Paragraph I–B hereof. The lender will not advance, and the borrower will not be entitled to loan funds for reimbursement if such costs or expenses incurred by the borrower prior to the first advance, or at anytime thereafter, were for costs or expenses other than Eligible Project Costs. Costs and expenses accruing from but not limited to, interest charges imposed by construction, equipment, material or service contracts, penalty payments, damage claims, awards or settlements are not Eligible Project Costs unless specifically approved by the State Director.

E. The lender will monitor the progress of construction and undertake the review and project inspections necessary to reasonably assure that funds are paid for Eligible Project Costs and that problems in project development are reported to the State Director expeditiously.

F. The lender will prepare a monthly report showing the expenditures made from each budget category of the Project Monitoring Account. This report will include a review of construction progress including proposed and approved contract change orders and, to the extent possible, identify problems or delays in construction or other matters which might affect successful start-up of project. This report may be based upon information received from the project engineer and borrower and/or independent observations of the lender. The report will be initialed by the borrower and project engineer and submitted to the State Director.

G. Transfer of loan funds between established or new categories of the Project Monitoring Account or any change in the total amount of funds committed to the project will be reported to the State Director as these changes occur.

Appendix E.—Environmental Assessment Guidelines

In completing an assessment, it is important to understand the comprehensive nature of the impacts which must be analyzed. Consideration must be given to all potential impacts associated with the construction of the project and its operation and maintenance. The attainment of the project's major objectives often induces or supports changes in population densities, land uses, community services, transportation systems and resource consumption. The impacts of these activities must also be assessed.

The environmental reviewer, should consult with appropriate experts from federal, state, and local agencies, universities, and other organizations or groups whose views could be helpful in the assessment of potential impacts. In so doing, each discussion which is utilized in reaching a conclusion with respect to the degree of an impact should be summarized in the assessment as accurately as possible and include the name, title, phone number, and organization of the individual contacted, plus the date of contact. Related correspondence should be attached to the assessment.

The FmHA environmental assessment should be prepared in the following format. It should address the listed items and questions and contain as attachments the indicated descriptive materials, as well as the environmental information submitted by the applicant.

These assessment guidelines have been designed to cover the wide variety of impacts which may be encountered. Consequently, not every issue or potential impact raised in these guidelines may be relevant to each project. The purpose of the format is to give the preparer an understanding of a standard range of impacts, environmental factors, and issues which may be encountered. In preparing an assessment, each topic heading identified by a roman numeral and each environmental factor listed under topic heading IV, such as air quality for example, must be addressed.

The amount of analysis and material that must be provided will depend upon the type and size of the project, the environment in which it is located and the range and complexity of the potential impacts. The amount of analysis and detail provided, therefore, must be commensurate with the magnitude of the expected impact. The analysis of each environmental factor (i.e. water quality) must be taken to the point that a conclusion can be reached and supported concerning the degree of the expected impact with respect to that factor.

I. Project Description and Need

Identify the name, project number, location, and specific elements of the project along with their sizes, and, when applicable, their design capacities. Indicate the purpose of the project, FmHA's position regarding the need for it, and the extent or area of land to be considered as the project site.

II. Primary Beneficiaries and Related Activities

Identify any existing businesses or major developments that will benefit from the project and those which will expand or locate in the area because of the project. Specify by name, product, service, and operations involved.

Identify any related activities which are defined as interdependent parts of a FmHA action. Such undertakings are considered interdependent parts whenever they either make possible or support the FmHA action or are themselves induced or supported by the FmHA action or another related activity. These activities may have been completed in the very recent past and are now operational or they may reasonably be expected to be accomplished in the near future. Related activities may or may not be federally permitted or assisted. When they are, identify the involved federal agency(s).

In completing the remainder of the assessment, it must be remembered that the impacts to be addressed are those which stem from the project, the primary beneficiaries, and the related activities.

III. Description of Project Area

Describe the project site and its present use. Describe the surrounding land uses; indicate the directions and distances involved. The extent of the surrounding land to be considered depends on the extent of the impacts of the project, its related activities, and the primary beneficiaries. Unique or sensitive areas must be pointed out. These include residential, schools, hospitals, recreational, historical sites, beaches, lakes, rivers, parks, floodplains, wetlands, dunes, estuaries, barrier islands, natural landmarks, unstable soils, steep slopes, aquifer recharge areas, important farmlands and forestlands, prime rangelands, endangered species habitats, or other delicate or rate ecosystems.

Attach adequate location maps of the project area, as well as (1) a U.S. Geological Survey "15 minute" ("7½ minute" if available), topographic map which clearly delineates the area and the location of the project elements, (2) the Department of Housing and Urban Development's floodplain map(s) for the project area, (3) site photos, and (4) if completed, a standard soil survey for the project and, (5) if available, an aerial photograph of the site. When necessary for descriptive purposes or environmental analysis, include land use maps or other graphic information. All graphic materials shall be of high quality resolution.

IV. Environmental Impact

1. Air Quality—Discuss, in terms of the amounts and types of emissions to be produced all aspects of the project including beneficiaries' operations and known indirect effects (such as increased motor vehicle traffic) which will affect air quality. Indicate the existing air quality in the area. Indicate if topographical or meteorological conditions hinder or affect the dispersal of air emissions. Evaluate the impact on air quality given the

types and amounts of projected emissions, the existing air quality, and topographical and meteorological conditions. Discuss the project's consistency with the state's air quality implementation plan for the area, the classification of the air quality control region within which the project is located, and the status of compliance with air quality standards within that region. Cite any contacts with appropriate experts and agencies which must issue necessary permits.

2. Water Quality—Discuss in terms of amounts and types of effluents all aspects of the project, including primary beneficiaries' operations and known indirect effects which will affect water quality. Indicate the existing water quality of surface and/or underground water to be affected. Evaluate the impacts of the project on this existing water quality. Indicate if an aquifer recharge area is to be adversely affected. If the project lies within or will affect a sole source aquifer recharge area as designated by EPA, contact the appropriate EPA regional office to determine if its review is necessary. If it is, attach the results of its review.

Indicate the source and available supply of raw water and the extent to which the additional demand will affect the raw water supply. Describe the wastewater treatment system(s) to be used and indicate their capacity and their adequacy in terms of the degrees of treatment provided. Discuss the characteristics and uses of the receiving waters for any sources of discharge. If the treatment systems are or will be inadequate or overloaded, describe the steps being taken for necessary improvements and their completion dates. Compare such dates to the completion date of the FmHA project. Analyze the impacts on the receiving water during any estimated period of inadequate treatment.

Discuss the project's consistency with the water quality planning for the area, such as EPA's Section 208 areawide waste treatment management plan. Describe how surface runoff is to be handled and the effect of erosion on streams.

Evaluate the extent to which the project may create shortages for or otherwise adversely affect the withdrawal capabilities of other present users of the raw water supply, particularly in terms of possible human health, safety, or welfare problems.

For projects utilizing a groundwater supply, evaluate the potential for the project to exceed the safe pumping rate for the aquifer to the extent that it would (1) adversely affect the pumping capability of present users, (2) increase the likelihood of brackish or saltwater intrusion, thereby decreasing water quality, or (3) substantially increase surface subsidence risks.

For projects utilizing a surface water supply, evaluate the potential for the project to (1) reduce flows below the minimum required for the protection of fish and wildlife or (2) reduce water quality standards below those established for the stream classification at the point of withdrawal or the adjacent downstream section.

Cite contacts with appropriate experts and agencies that must issue necessary permits.

3. Solid Waste Management—Indicate all aspects of the project including primary beneficiaries' operations, and known indirect effects which will necessitate the disposal of solid wastes. Indicate the kinds and expected quantities of solid wastes involved and the disposal techniques to be used. Evaluate the adequacy of these techniques especially in relationship to air and water quality. Indicate if recycling or resource recovery programs are or will be used. Cite any contacts with appropriate experts and agencies that must issue necessary permits.

4. Land Use—Given the description of land uses as previously indicated, evaluate (a) the effect of changing the land use of the project site and (b) how this change in land use will affect the surrounding land uses and those within the project's area of environmental impact. Particularly address the potential impacts to the unique or sensitive areas discussed under Section III, Description of Project Area. Also address any changes in land use which may result from demand for feed stock for the plant's operation. Describe the existing land use plan and zoning restrictions for the project area. Evaluate the consistency of the project and its impacts with these plans.

5. Transportation—Describe available facilities such as highways and rail. Discuss whether the project will result in an increase in motor vehicle traffic and the existing roads' ability to safely accommodate this increase. Indicate if additional traffic control devices are to be installed. Describe new traffic patterns which will arise because of the project. Discuss how these new traffic patterns will affect the land uses described above, especially residential, hospitals, schools, and recreational. Describe the consistency of the project's transportation impacts with the transportation plans for the area and any air quality control plans. Cite any contact with appropriate experts.

6. Natural Environment—Indicate all aspects of the project including construction, beneficiaries' operations, and known indirect effects which will affect the natural environment including wildlife, their habitats, and unique natural features. Cite contacts with appropriate experts. If an area listed on the National Registry of Natural Landmarks may be affected, consult with the Department of Interior and document these consultations and any agreements reached regarding avoidance or mitigation of potential adverse impacts.

7. Human Population—Indicate the number of people to be relocated and arrangements being made for this relocation. Discuss how impacts resulting from the project such as changes in land use, transportation changes, air emissions, noise, odor, etc. will affect nearby residents and their lifestyles or users of the project area and surrounding areas. Cite contacts with appropriate experts.

8. Construction—Indicate the potential effects of construction of the project on air quality, water quality, noise levels, solid waste disposal, soil erosion and siltation. Describe the measures that will be employed to limit adverse effects. Give particular consideration to erosion, stream siltation, and clearing operations.

9. Energy Impacts—Indicate the project's and its primary beneficiaries' effects on the area's existing energy supplies. This discussion should address not only the direct energy utilization, but any major indirect utilization resulting from the siting of the project. Describe the availability of these supplies to the project site. Discuss whether the project will utilize a large share of the remaining capacity of an energy supply or will create a shortage of such supply. Discuss any steps to be taken to conserve energy.

10. Discuss any of the following areas which may be relevant: noise, vibrations, safety, seismic conditions, fire prone locations, radiation, and aesthetic considerations. Cite any discussion with appropriate experts.

V. Coastal Zone Management Act

Indicate if the project is within or will impact a coastal area defined as such by the state's approved Coastal Zone Management Program. If so, consult with the State agency responsible for the Program to determine the project's consistency with it. The results of this coordination shall be included in the assessment and considered in completing the environmental impact determination and environmental findings.

VI. Compliance With Advisory Council on Historic Preservation's Regulations

In this section, the environmental reviewer shall detail the steps taken to comply with the above regulations as specified in FmHA Instruction 1901–F. First, indicate that the National Register of Historic Places, including its monthly supplements, has been reviewed and whether there are any listed properties located within the area to be affected by the project. Second, indicate the steps taken such as historical/archeological surveys to determine if there are any properties eligible for listing located within the affected area. Summarize the results of the consultation with the State Historic Preservation Officer (SHPO) and attach appropriate documentation of the SHPO's views. Discuss the views of any other experts contacted. Based upon the above review process and the views of the SHPO, state whether or not an eligible or listed property will be affected.

If there will be an effect, discuss all of the steps and protective measures taken to complete the Advisory Council's regulations. Describe the affected property and the nature of the effect. Attach to the assessment the results of the coordination process with the Advisory Council on Historic Preservation.

VII. Compliance With the Wild and Scenic Rivers Act

Indicate whether the project will affect a river or portion of it which is either included in the National Wild and Scenic Rivers System or designated for potential addition to the System. This analysis shall be conducted through discussions with the appropriate regional office of the National Park Service or the Forest Service when its lands are involved, as well as the appropriate state agencies having implementation authorities. A summary of discussions held or any required formal coordination shall be included in the assessment.

VIII. Compliance With the Endangered Species Act

Indicate whether the project will either (1) affect a listed endangered or threatened species or critical habitat or (2) adversely affect a proposed critical habitat for an endangered or threatened species or jeopardize the continued existence of a proposed endangered or threatened species. This analysis shall be conducted in consultation with the Fish and Wildlife Service and the National Marine Fisheries Service, when appropriate.

The results of any required coordination shall be included in the assessment along with any completed biological opinion and mitigation measures to be required for the project. These factors shall be considered in completing the environmental impact determination.

IX. Compliance With Executive Order 11988, Floodplain Management and Executive Order 11990, Protection of Wetlands

Indicate whether the project is either located within a 100-year floodplain (500-year floodplain for a critical action) or a wetland or will impact a floodplain or wetland. If so, determine if there is a practicable alternate project or location. If there is no such alternative, determine whether all practicable mitigation measures are included in the project and document as an attachment these determinations and the steps taken to inform the public, locate alternatives, and mitigate potential adverse impacts. See the U.S. Water Resources Council's *Floodplain Management Guidelines* for more specific guidance.

X. State Environmental Policy Act

Indicate if the proposed project is subject to a state environmental policy act or similar regulation. Summarize the results of compliance with these requirements and attach available documentation.

XI. Clearinghouse Comments

Attach the comments of the State and Regional Clearinghouses (if this review process is required for the project) and respond to all comments that deal with the subject matters discussed in this assessment format or are otherwise of an environmental nature.

XII. Environmental Analysis of Participating Federal Agency

Indicate if another federal agency is participating in the project either through the provision of additional funds, a companion project, or a permit review authority. Summarize the results of the involved agency's environmental impact analysis and attach available documentation.

XIII. Reaction to Project

Discuss any negative comments or public views raised about the project and the consideration given to these comments. Indicate whether a public hearing or public information meeting has been held either by the applicant or FmHA to include a summary of the results and any objections raised. Indicate any other examples of the community's awareness of the project, such as newspaper articles or public notifications.

XIV. Cumulative Impacts

Summarize the cumulative impacts of this project and the related activities. Give particular attention to land use changes and air and water quality impacts. Summarize the results of the environmental impact analysis done for any of these related activities and/or your discussion with the sponsoring agencies. Attach available documentation of the analysis.

XV. Adverse Impact

Summarize the potential adverse impacts of the proposal as pointed out in the above analysis.

XVI. Alternatives

Discuss the feasibility of alternatives to the project and their environmental impacts. These alternatives should include (a) alternative locations, (b) alternative designs, (c) alternative projects having similar benefits, and (d) no project.

XVII. Mitigation Measures

Describe any measures which will be taken or required by FmHA to avoid or mitigate the identified adverse impacts. Such measures shall be included as special requirements or provisions to the offer of financial assistance.

Authorities: 7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary of Agriculture for Rural Development, 7 CFR 2.70.

Dated: July 8, 1982.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 82-21942 Filed 8-12-82; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Proposed Revisions in Regulations Pertaining to Orphan Petition Requirements

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: The Immigration and Naturalization Service proposes to identify standards for social workers authorized to recommend home studies to be submitted in support of orphan petitions. The intended effect of this action is to ensure that social workers favorably recommending these home studies are qualified to determine the suitability of an adoptive or prospective adoptive parent to rear and educate a child properly. This action is also intended to maintain uniformity in the adjudication of orphan petitions.

DATE: Comments must be received on or before September 13, 1982.

ADDRESSES: Please submit written comments, in duplicate, to the Commissioner of the Immigration and Naturalization Service, Room 7100, 425 I Street, N.W., Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633-3048

For Specific Information: Alice Strickler, Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633-5014.

SUPPLEMENTARY INFORMATION: On October 5, 1978, Pub. L. 95-417 was enacted. Section 3 of that law amended the Immigration and Nationality Act to require that a valid home study be favorably recommended by a state agency, an agency authorized by a state, or an agency licensed in the United States before a visa petition can be approved to classify an orphan as an immediate relative of a United States citizen. Regulations implementing section 3 were published in the Federal Register on January 25, 1979 in 44 FR 5059 and on July 1, 1980 in 45 FR 44251. House Report No. 95-1301 dated June 16, 1978, which accompanied Pub. L. 95-417, stated that the term "agency", for purposes of this legislation, is meant to include both organizations and individuals who are authorized to perform home studies.

Accordingly, we propose to identify standards for social workers who may favorably recommend home studies. This action is necessary to ensure that they are qualified to determine the suitability of an adoptive or prospective adoptive parent to rear and educate a child properly and to maintain uniformity in the adjudication of orphan petitions.

According to the *Occupational Outlook Handbook*, 1980-81 edition, an official publication of the United States Department of Labor:

> In 1978, 22 States had licensing or registration laws regarding social work practice and the use of professional titles. Usually work experience, an examination, or both, are necessary for licensing or registration, with periodic renewal required. The National Association of Social Workers allows the use of the title ACSW (Academy of Certified Social Workers) for members having a master's degree and at least 2 years

of job experience who have passed the ACSW examination.

In a letter dated February 12, 1981 to this Service, a senior staff associate of the National Association of Social Workers, Inc. (NASW), Washington, DC stated:

> There are currently no established or recommended standards for * * * (an) adoption home study, and NASW has not yet developed standards for social workers in adoption practice. However, as a professional association with some understanding of the skills and knowledge needed to appropriately assess the family dynamics, the interpersonal situation in which the adoptee will be placed and the need to be able to predict the nurturing quality of parent/child relationships, we would strongly recommend that adoptive home studies be done by: a social worker who has a master's degree from an accredited program of social work education and who has in addition at least two years full time experience in the field of child welfare. The child welfare experience need not be with a public welfare organization but should include direct work with adoption and/or foster care, both with the children and with the adoptive and foster parents.

In this proposed rule, education and experience equivalent to a master's degree in social work could be accepted in lieu of the degree. This would permit recognition of social workers with professional qualifications based in part on experience. Furthermore, it is consistent with Service rulings on recognition of professional qualifications.

As a result of information furnished by this Service, some adoptive and prospective adoptive parents of foreign orphans may have spent both time and money obtaining home studies favorably recommended by social workers who do not meet the requirements of the proposed regulations. It is not our intent to cause hardship to these individuals. Home studies favorably recommended by social workers who do not meet the qualifications of the proposed regulations therefore will continue to be accepted in support of orphan petitions after the effective date of the regulations provided that arrangements for the home studies were begun before that date and provided that the Service offices to which they are submitted were, prior to that date, accepting home studies recommended by social workers with similar qualifications.

In addition to identifying standards for social workers qualified to favorably recommend home studies, the proposed regulations would provide for the Service's not accepting unreliable home studies, as a safeguard against abuse of the new provisions relating to social workers. The proposed regulations would also exempt an orphan petitioner from submitting the death certificates of the beneficiary's natural parents in an orphan case where both parents are deceased if the petitioner submits a declaration of abandonment provided through a court process or other legal child welfare procedure. This provision would afford petitioners additional flexibility in the submission of documentary evidence.

Paragraph 204.2(d)(1) on general documentary requirements for orphans would be revised for compliance with technical style requirements.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule would not have a significant economic impact on a substantial number of small entities; also, it would not be a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 204

Administrative practice and procedure, Adoption, Orphans.

For the reasons set out in the preamble, Chapter I of Title 8 of the Code of Federal Regulations would be amended as follows:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Section 204.2 would be amended by revising paragraph (d)(1) and adding paragraphs (d)(2) (iv) and (v) to read as follows:

§ 204.2 Documents.

* * * * *

(d) *Evidence required to accompany petition for orphan.* (1) *General.* The term "agency" includes both organizations and individuals, and the term "responsible state agency" means a public adoption agency in any state in the United States authorized by statute or license to perform home studies. A petition filed on behalf of an orphan under § 204.1(b) of this part must be accompanied by—

(i) A valid home study favorably recommended by an agency of the state of the child's proposed residence, or by an agency authorized by that state to conduct such a study, or, in the case of a child adopted abroad, by an appropriate public or private adoption agency licensed in the United States;

(ii) Fingerprints on Form FD–258 of the United States citizen petitioner and spouse, if married;

(iii) Evidence of the age and the United States citizenship of the petitioner as provided for in paragraph (a) of this section;

(iv) A marriage certificate of the petitioner and spouse, if married, and/or evidence of the termination of any previous marriages, if applicable;

(v) The child's birth certificate, or, if a certificate is not available, other proof of age;

(vi) The death certificate(s) of the child's parent(s); if both parents of the child are deceased and if the petitioner submits a declaration of abandonment provided through a court process or other legal child welfare procedure, submission of the parents' death certificates is not necessary.

(vii) Evidence that the sole or surviving parent is incapable of providing for the orphan's care and has irrevocably released the orphan for emigration and adoption, if applicable. A child is considered to have a sole parent, the child's mother, when it is established that the child is illegitimate and has not acquired a stepparent within the meaning of section 101(b)(2) of the Act. A child is considered to have a surviving parent when it is established that only one of the child's parents is alive and the child has not acquired a stepparent within the meaning of section 101(b)(2) of the Act. When a child having a sole or surviving parent has been adopted abroad, the requirement for an irrevocable release in writing for the child's emigration and adoption is considered to have been met if the adoption decree clearly sets forth that the adoptive petitioner and spouse, if married, reside in the United States and that the child's only parent has agreed to release the child for adoption.

(viii) Evidence that the child has been abandoned, if applicable. A child who has been unconditionally abandoned to an orphanage is considered to have no parents. A child is not considered to have been abandoned, however, when the child has been placed temporarily in an orphanage and the parent or parents intend to retrieve the child, are contributing or attempting to contribute to the child's support, or otherwise exhibit that they have not terminated their parental obligations to the child.

(ix) A certified copy of the adoption decree together with a copy of the certified translation if the child has been adopted abroad. If the child was adopted abroad by an unmarried United States citizen, the latter must have been at least twenty-five years of age at the time the child was adopted; if the adoption was by a married United States citizen, the decree must show joint adoption by the husband and wife.

(2) * * *

(iv) *Social worker home studies.* (A) *Child coming to the United States for*

adoption. For purposes of this paragraph, a certified member of the Academy of Certified Social Workers (ACSW) is considered to be an agency authorized by the state of the child's proposed residence to conduct a home study. If the child is coming to the United States for adoption, the district director or officer in charge may accept, in addition to a home study recommended by an agency which is an organization, a home study favorably recommended by a social worker licensed, certified, or registered in that state or by an ACSW, provided:

(*1*) The district director or officer in charge is satisfied that the home study meets all requirements outlined in paragraph (d)(2)(i) of this section; and

(*2*) Documentary evidence is submitted showing that the social worker has a master's degree from an accredited program of social work education, or education and experience equivalent to such a degree, plus at least two years of full-time experience in the field of child welfare. The child welfare experience need not be with a public welfare organization but must include direct work with adoption or foster care, both with children and with adoptive and foster parents.

(B) *Child adopted abroad.* For purposes of this paragraph, an ACSW is considered to be an adoption agency licensed in the United States. If a child has been adopted abroad, the district director or officer in charge may accept, in addition to a home study recommended by an agency which is an organization, a home study recommended by a social worker licensed, certified, or registered in any state in the United States or by an ACSW, provided:

(*1*) The district director or officer in charge is satisfied that the home study meets all requirements outlined in paragraph (d)(2)(ii) of this section; and

(*2*) Documentary evidence is submitted showing that the social worker has a master's degree from an accredited program of social work education, or equivalent education and experience, plus at least two years of full-time experience in the field of child welfare. The child welfare experience need not be with a public welfare organization, but must include direct work with adoption or foster care, both with children and with adoptive and foster parents.

(v) *Unreliable home studies.* If it comes to the attention of the Service that a social worker or an official of an agency has favorably recommended a home study containing misinformation, the district director or officer in charge shall not accept any further home studies recommended by that social worker or any official of that agency. If that social worker or agency should prove to the satisfaction of the district director or officer in charge that action has been taken to correct the situation causing the misinformation, the district director or officer in charge may again accept home studies recommended by that social worker or an official of that agency.

* * * * *

(Secs. 101(b)(1)(F), 103, and 204 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1101(b)(1)(F), 1103, and 1154)

Dated: August 2, 1982.

Alan C. Nelson,

Commissioner of Immigration and Naturalization.

[FR Doc. 82-22072 Filed 8-12-82; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1215

Tracking and Data Relay Satellite System (TDRSS) Use and Reimbursement Policy for Non-U.S. Government Users

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: The proposed rule establishes an equitable basis for use of and reimbursement for Tracking and Data Relay Satellite System (TDRSS) and service by non-U.S. Government users. The tracking, telemetry, and command services provided by the TDRSS will represent a significant growth in the capability of presently available services provided via the ground tracking station network. Once the TDRSS is declared operational by NASA, TDRSS services will be made available to non-U.S. Government users.

DATE: Comments must be submitted in writing on or before October 12, 1982.

ADDRESS: Robert O. Aller, Director, TDRSS Program, Code TX, Office of Space Tracking and Data Systems, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Robert O. Aller, 202-755-2340.

SUPPLEMENTARY INFORMATION: The TDRSS is shared by NASA and Space Communications Company and provides both NASA tracking and data relay services and the Space Communications Company's commercial communication service. The NASA space segment consists of two satellites in geostationary orbit. A third satellite is in geostationary orbit to be operated as a shared spare with NASA having priority use for additional service as required. The NASA ground segment consists of a single ground terminal and the necesary operational control and interface devices and interconnecting communications circuit services located at White Sands, New Mexico. This proposed rule is applicable only to the NASA portion of the TDRSS.

List of Subjects in 14 CFR Part 1215

Satellites, Tracking and data relay satellite, Communications equipment, Government contract.

14 CFR Chapter V is amended by adding a new Part 1215 reading as follows:

PART 1215—TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS)

Subpart 1215.1—Use and Reimbursement Policy for Non-U.S. Government Users

Sec.

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Appendix A—Estimated Service Rates in 1983 Dollars for TDRSS Standard Services (Based on NASA Escalation Estimate).
Appendix B—Factors Affecting Standard Charges.
Appendix C—Typical User Activity Timeline.

Authority: Sec. 203, Pub. L. 85-568, 72 Stat. 429, as amended (42 U.S.C. 2473).

Subpart 1215.1—Use and Reimbursement Policy for Non-U.S. Government Users

§ 1215.100 General.

The Tracking and Data Relay Satellite System represents a major investment by the U.S. Government with the primary goal of providing improved tracking and data acquisition services to spacecraft in low earth orbit or to terrestrial users. It is the objective of NASA to operate as efficiently as possible with the TDRSS. This is to the mutual benefit of all users. Such user consideration will permit NASA and

non-NASA services to be delivered without compromising the mission objectives of any individual user. To encourage users toward achieving efficient TDRSS usage, a reimbursement policy has been established which is designed to influence users to operate in the most efficient and orderly manner possible. Additionally, the reimbursement policy is designed to comply with the Bureau of the Budget Circular A–25 on User Charges, dated September 23, 1959, which requires that a reasonable charge should be made to each identifiable recipient for a measurable unit or amount of Government service or property from which a special benefit is derived.

§ 1215.101 Scope.

This Subpart sets forth the policy governing TDRSS services provided to non-U.S. Government users and the reimbursement for rendering such services. It excludes TDRSS services provided as standard or optional services to Space Transportation System (STS) users under existing policy for Shuttle and Spacelab (14 CFR 1214.1, and 1214.2); that is user command and telemetry support which utilizes and is a part of the Shuttle or Spacelab communications system is a Shuttle/Spacelab service. Cooperative missions are also not under the purview of this Subpart. The arrangements for TDRSS services for cooperative missions will be covered in a Memorandum of Understanding (MOU), as a consequence of negotiations between NASA and the other concerned parties. Any MOU which includes provision for any TDRSS service will require signatory concurrence by the Associate Administrator for Space Tracking and Data Systems prior to dedicating Office of Space Tracking and Data Systems resources for support of a cooperative mission.

§ 1215.102 Definitions.

(a) *User.* Any non-U.S. Government representative or entity who contracts with NASA to use TDRSS services.

(b) *TDRSS.* The Tracking and Data Relay Satellite System including Tracking and Data Relay Satellites (TDRS), the White Sands Ground Terminal (WSGT), and the necessary TDRSS operational areas, interface devices and NASA communication circuits to unify the above into a functioning system. It specifically excludes the user ground system/TDRSS interface.

(c) *Bit Stream.* The digital electronic signals acquired by TDRSS from the user craft or the user generated input commands for transmission to the user craft.

(d) *Flexible Support.* Support requests which permit NASA, at its option, to schedule service at any time during the period of a single orbit of the user mission. Missions requiring multiple support periods during a single orbit may be classified as constrained support.

(e) *Constrained Support.* Support requests which specify the exact times NASA is to provide service, or conditions of support which can be translated into exact times for service, such as sub-satellite positions, apogee/perigee position, etc., for which support is needed.

(f) *Scheduling Service Period.* One scheduled contact utilizing a single TDRS whereby the user by requesting service is allotted a block of time for operations between the user satellite and TDRSS.

§ 1215.103 Services.

(a) *Standard Services.* These are services which the TDRSS is capable of providing to low-earth orbital user spacecraft or other terrestrial users.

(1) Tracking services.

(2) Data acquisition service.

(3) Command transmission service.

(4) Emergency line outage recording in the event of a communications failure between White Sands, Goddard Space Flight Center (GSFC), and Johnson Space Center (JSC).

(5) A weekly user spacecraft orbit determination in NASA standard orbital elements as determined by NASA for TRDSS target acquisition purposes.

(6) Delivery of user data at the NASA Ground Terminal (NGT) located at White Sands.

(7) Pre-launch support for data flow tests and related activities which require use of a TDRS.

(8) Pre-launch support planning and documentation.

(9) Scheduling user services via TDRSS.

(10) Access to tracking data to enable users to perform orbit determination at their option.

(b) *Mission Unique Services.* Other tracking and data services desired by the user beyond the standard service and the changes therefor, will be identified and assessed on a case-by-case basis.

§ 1215.104 Apportionment and assignment of services.

No user may apportion, assign, or otherwise convey to any third party its TDRSS service. Each user may obtain service only through contractual agreement with NASA.

§ 1215.105 Delivery of user data.

(a) As a standard service, NASA will provide to the user its data from the TDRSS as determined by NASA in the form of one or more digital or analog bit streams synchronized to associated clock streams at the NGT.

(b) User data handling requirements beyond the NGT interface may be provided as a service without charge to the user, to the extent that NASA determines that it does not exceed NASA's standard communications system. Any additional data transport or handling requirements exceeding NASA's capability will be dealt with as a mission-unique service.

(c) No storage of the user data is provided in the standard service. NASA will provide short-term temporary recording of data at White Sands, only in event of a NASA Communications Network (NASCOM) link outage.

(d) NASA will provide TDRSS services on a "best efforts" basis and does not assume the risk of liability for damage to the user or third parties for failure to provide contracted-for services because of damage to the user's payload or other damage to the user or to third parties. The price for TDRSS services does not include a contingency or premium for this potential damage. The user will assume this risk of damage or obtain insurance to protect against that risk.

§ 1215.106 User command and tracking data.

(a) User command data may enter the TDRSS via the NASCOM interface at one of three locations:

(1) For Shuttle payloads which utilize the Shuttle commanding system, command data must enter the system via the Johnson Space Center (JSC) and is governed by the policies established for STS services (see § 1215.101).

(2) For free flyers and other payloads, command data must enter the system at the Goddard Space Flight Center (GSFC) if it is to be a standard service.

(3) The use of other command data entry points [e.g., the NASA Ground Terminal (NGT) at White Sands, NM, or Johnson Space Center (JSC), for payloads using an independent direct link from TDRS to the user payload] is considered to be a mission unique service.

(b) NASA is required to maintain the user satellite orbital elements to sufficient accuracy to permit the TDRS system to establish and maintain acquisition. This can be accomplished in two ways:

(1) The user can provide the orbital elements in a NASA format to GSFC to meet TDRSS operational requirements.

(2) The user shall insure that a sufficient quantity of tracking data is received at GSFC to permit the determination of the user satellite orbital elements. The charges for this service will be determined by using the on-orbit service rates.

§ 1215.107 User data security.

User data security is not provided by the TDRSS. Responsibility for data security resides solely with the user. Users desiring data safeguards shall provide and operate, external to the TDRSS, the necessary equipment or systems to accomplish data security. Any such user provisions must be compatible with data flow through TDRSS and not interfere with other users.

§ 1215.108 Defining user service requirements.

Potential users should become familiar with TDRSS capabilities and constraints, which are detailed in the TDRSS User's Guide (GSFC document, STDN No. 101.2), as early as possible. This action allows the user to evaluate the trade-offs available among various TDRSS services, spacecraft design, operations planning, and other significant mission parameters. When these user evaluations have been completed, and the user desires to use TDRSS, the user should initiate a request for TDRSS service.

(a) Initial requests for TDRSS service from non-U.S. Government users should be addressed to NASA Headquarters, Code TX, TDRSS Program, Washington, D.C. 20546. Upon review and preliminary acceptance of the service requirements by NASA Headquarters, the appropriate areas of GSFC will be assigned to the project to produce the detailed requirements, plans and documentation necessary for support of the mission. Changes to user requirements shall be made as far in advance as possible and shall be submitted in writing to both NASA Headquarters, Code TX, TDRSS Program, and GSFC, Code 804, Greenbelt, Maryland 20771.

(b) Acceptance of user requests for TDRSS service is the sole prerogative of NASA. Although TDRSS represents a significant increase to current support capabilities, service capacity is finite, and services will be provided in accordance with operational priorities established by NASA. Requests for services within priority groups shall be negotiated with non-NASA users on a first come, first serve basis for inclusion into the TDRSS mission model.

§ 1215.109 Scheduling user service.

(a) User service shall be scheduled only by NASA. Scheduling refers to that activity occurring after the user has been accepted and placed in the TDRSS mission model as specified in § 1215.108(b). See Appendix C for a description of a typical user activity timeline.

(b) Schedule conflicts will be resolved in general by application of principles of priority to user service requirements. Services shall be provided either as normally scheduled service or as emergency/disruptive update service. Priorities will be different for emergency/disruptive updates than for normal services.

(1) Normally scheduled service is service which is planned and ordered under normal operational conditions and is subject to schedule conflict resolution under normal service priorities. Priorities are established by the NASA Administrator or his/her designee. Requests for normally scheduled service must be received by the schedulers at the GSFC Net work Control Center (NCC) no later than 45 minutes prior to the requested support time.

(2) Normal scheduling principles of priority are generally ordered as follows beginning with the highest priority:

(i) Launch, reentry, landing of the STS Shuttle or launch of a NASA expendable launch vehicle.

(ii) NASA payloads/spacecraft.

(iii) Other payloads/spacecraft of interest to the United States.

(iv) Other payloads/spacecraft launched by a NASA launch vehicle.

(v) Other payloads/spacecraft.

(vi) Support of other launches.

(3) Exceptions to these priorities may be determined on a case-by-case basis with the NASA Administrator or his/her designee as the priorities stated in paragraph (b)(2) of this section are indicative of general rather than specific cases.

(4) Emergency service conditions are those requiring rapid response to changing user service requirements. Emergency service may be instituted under the following conditions:

(i) Circumstances which pose a threat to the security of the United States.

(ii) Circumstances which threaten human life.

(iii) Circumstances which threaten user mission loss.

(iv) Other circumstances of such a nature which make it necessary to preempt normally scheduled services.

(5) At times, emergency service requirements will override normal schedule priority. Under emergency service conditions, disruptions to schedule service will occur. As a consequence, users requiring emergency service shall be charged for emergency service at rate factors set forth in Appendix B.

(6) Disruptive updates are scheduled updates which by virtue of priorities, causes previously scheduled user's services to be rescheduled or deleted or are requested by the user less than 45 minutes prior to the scheduled support period.

(i) Disruptive updates will be charged at the same rates as emergency service. User initiated schedule requests which are received less than 45 minutes prior to the requested schedule support time will be considered a disruptive update.

(ii) User initiated schedule requests which are received more than 45 minutes and less than 12 hours prior to the scheduled support period will be acted upon as a routine input provided other users are unaffected. If other users are affected, the scheduling input will be considered a disruptive update and the appropriate charge factor will be applied.

(iii) The Network control Center (NCC) at GSFC reserves the sole right to schedule, reschedule or cancel TDRSS service. Schedule changes brought about through no fault of the user are not charged the factor for a disruptive update.

(7) While the priority listing remains the general guide for establishing support availability, the NASA schedulers will exercise judgment and endeavor to see that lower priority users are not excluded from a substantial portion of their contracted-for service due to the requirements of higher priority users.

(8) When a user contracts for TDRSS service for an "operational satellite" which interfaces with a significant number of national and world-wide users on a regularly scheduled basis as opposed to a "research and development satellite," NASA will place special emphasis on the operational requirement when planning schedules. This should reduce the probability of losing perishable operational data such as meteorological, climate, or earth resources information.

(c) General user service requirements, which will be used for preliminary planning and mission modeling, should include as a minimum, the following:

(1) Date of service initiation.

(2) Expected date of service termination.

(3) The type of TDRSS services desired (e.g., multiple access, tracking, etc.).

(4) The frequency and duration of each service, including orbital position or time constraints on service delivery from a given spacecraft where appropriate.

(5) Orbital or trajectory parameters and tracking data requirements.

(6) Spacecraft events affecting tracking, telemetry or command requirements.

(7) Signal parameters and data rates by type of service, type and location of antennas and other related information dealing with user tracking, command, and data systems.

(8) Special test requirements, compatibility testing, data flows, simulations, etc.

(9) Identification of type and quantity of user information necessary for control functions, location of user control facility, and identification of communications requirements.

(10) Identification of ground communications requirements and interface points, including the level of support to be requested from NASCOM.

(d) To provide for effective planning, general service requirements should be provided at least 3 years before initiation of service. With these data NASA will determine whether the requested services can be provided.

(e) Detailed requirements for user services must be provided 18 months before the initiation of service. These data will be the basis for the technical definition of the Interface Control Document (ICD). If requirements are received late, necessitating extraordinary NASA activities (e.g., overtime, special printing of documents), such activities will be considered to be mission unique and their cost charged the user.

§ 1215.110 User cancellation of all services.

The user has the right to terminate its service contract with NASA at any time. A user who exercises this right after contracting for service shall pay the charge agreed upon for services previously rendered, and the cost incurred by the Government for support of pre-launch activities, services, and mission documentation not included in that charge. The user will remain responsible for the charges for any services actually provided.

§ 1215.111 User postponement of service.

The user may postpone the initiation of contracted service (user launch date) by delivery of written notification to NASA Headquarters, Code TX. If NASA's written approval is not obtained for postponements which delay the initial contracted start of service date by more than 6 months, the quantity of service provided may be affected due to changes in other support requirements. Therefore, the validity of previous estimates of predicted support availability may no longer be applicable.

§ 1215.112 User/NASA contractual arrangement.

(a) The NASA Administrator reserves the right to waive any portion of the reimbursement due to NASA under the provisions of the reimbursement policy.

(b) When NASA has determined that a potential user has not made sufficient progress toward concluding a contractual arrangement for service, after being placed in the mission model, NASA shall have the unilateral right to remove that user from the mission model.

(c) NASA shall have the right to determine unilaterally that the potential user has failed to make progress toward concluding a contractual arrangement.

§ 1215.113 User charges.

(a) The user shall reimburse NASA the sum of the charges for standard and mission unique services. Charges will be based on the service rates determined at the beginning of each calendar year and the service time scheduled for the user.

(b) For standard services the user shall be charged only for services rendered, except that if a total cancellation of service occurs, the users shall be charged in accordance with the provisions of § 1215.110.

(1) Standard services which are scheduled, and then cancelled by the user less than 12 hours prior to the start of that scheduled service period, will be charged as if the scheduled service actually occurred.

(2) The time scheduled by the user project shall include the slew time, set up and/or configuration time, TDRSS contact time, and all other conditions for which TDRSS services are allocated ot the user.

(3) Charges will be accumulated by the minute, based on the computerized schedule/configuration messages which physically set up the TDRSS equipment at the start of a support period and free the equipment for other users at the end of a support period.

(c) The user shall reimburse NASA for the costs of any mission unique services provided by NASA for the user's benefit unless NASA obtains full cost reimbursement from another user for these mission unique services.

(d) Any person or entity which pays to NASA the initial administrative charge (see § 1215.115) does so with the understanding that it is not refundable whether or not an agreement is entered into with NASA for TDRSS services.

§ 1215.114 Service rates.

(a) Non-U.S. Government user rates will reflect TDRSS total operational and maintenance costs prorated to a per-minute basis.

(b) Rates for TDRSS services will be set by NASA Headquarters each October for the following year, January through December. Rate variations will reflect changes in operating costs, loading formulas and escalation.

(c) Projected estimates will include escalation based on the Bureau of Labor Statistics Index for compensation per hour—total private.

(d) Appendix A is provided for preliminary planning purposes only. It delineates the rate per minute by service and type of user. These rates are subject to change.

(e) The per minute charge for TDRSS service is computed by multiplying the charge per minute for the appropriate service by the number of minutes scheduled and by the appropriate factor (for flexible, constrained or disruptive/emergency service).

§ 1215.115 Payment and billing.

(a) To each user there will be an initial non-refundable administrative charge of $25,000 which is applicable toward TDRSS operational services.

(b) The procedure for billing and payment of standard TDRSS services is as follows:

(1) The calendar year is divided into two service periods, January through June and July through December. The charge for TDRSS service will be determined in October for the succeeding calendar year.

(2) The estimated cost of service, January through June period, will be due the previous July 1, and will be billed 60 days prior to the payment due date.

(3) The estimated cost of service, July through December period, will be due the previous January 1, and will be billed 60 days prior to the payment due date.

(4) Adjustments to the amounts prepaid will be made to the succeeding billings as the actual service time is tabulated. Amounts due to the user will be credited to the next service period or refunded to the user if no more service is to be provided.

(5) The total estimated cost of all standard pre-launch services such as mission planning, documentation, link

analysis, testing, computer, human resources, etc., with the exception of TDRS operational services, will be paid to the Government prior to NASA rendering such services. This advance payment will be applied as a credit to the charges billed for post-launch TDRSS operational services as specified in paragraphs (b)(1) through (4) of this section.

(c) Payment schedules for mission unique services will be mutually developed between NASA and the user on a case-by-case basis, dependent upon level of engineering effort, long-lead items, special communication services, or other considerations. Payment will generally be made prior to NASA incurring a cost for the mission unique service.

(d) Late payments by the user will require the user to pay a late payment charge equal to 1½% per month of the unpaid balance calculated daily from the date the payment was due until the date payment is made.

Appendix A—Estimated Service Rates in 1983 Dollars for TDRSS Standard Services (Based on NASA Escalation Estimate)

TDRSS user service rates for services rendered in CY–83 based on current projections in 1983 dollars are as follows:

Single Access Service—Whether forward command, return telemetry, or tracking, or any combination of these, the base rate is $91.00 per minute for non-U.S. Government users.

Multiple Access Forward Service—Base rate is $20.00 per minute for non-U.S. Government users.

Multiple Access Return Service—Base rate is $6.00 per minute for non-U.S. Government users.

Appendix B—Factors Affecting Standard Charges

Charges for services shall be determined by multiplying the factors below by the base rates for standard services set forth in Appendix A.

	Flexible	Time or position constrained	Emergency service, disruptive updates
Single access service	.5	1	2
Multiple access forward (command) service	.67	1	2

	Normally scheduled support	Emergency service, disruptive updates
Multiple access return (telemetry) service	1	2

Appendix C—Typical User Activity Timeline

Time (approximate)	Activity
Project conceptualization (At least 3 years before launch; Ref. § 1215.108(a)).	Request NASA Headquarters perform study to determine availability of TDRSS. $25,000 non-refundable charge for this service. placement into mission model if accepted.
3 years before launch (Ref. § 1215.109(c)).	Submit general user requirements to permit preliminary planning. Begin payment for pre-mission activities. (Ref. § 1215.115(b)(5).)
18 months before launch (earlier if interfacing is expected).	Provide detailed requirements for technical definition and development of operational documents and ICD's. (Ref. § 1215.109(e).)
3 weeks prior to a scheduled support period (SSP).	Submit scheduling request to GSFC covering a weekly period.
2 weeks prior to an SSP	Receive schedule from GSFC based on principles of priority (§ 1215.109(b)(2)). Acknowledgement to GSFC required.
Up to 12 hours prior to an SSP.	Can cancel an SSP without charge. (Ref. § 1215.113(a)(1).)
Up to 45 minutes prior to an SSP.	Can schedule and SSP if a time slot is available without impacting another user.
Between SSP minus 45 minutes and the SSP.	Schedule requests will be charged at the disruptive update rate (Ref. § 1215.109(b)(5)).
Real Time	Emergency service requests will be responded to per the priority system (Ref. § 1215.109(b)(3)) and assessed the emergency service rate.

James M. Beggs,

Administrator.

August 6, 1982.

[FR Doc. 82–21989 Filed 8–12–82; 8:45 am]

BILLING CODE 7510–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76–089 (Louisiana—3 Addition)]

High Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission.

ACTION: Amended notice of proposed rulemaking.

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

DATE: Comments on the proposed rule are due on September 7, 1982.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on August 23, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

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

Issued August 6, 1982.

In the matter of high-cost gas produced from tight formations; Docket No. RM79–76–089 (Louisiana—3 Addition); amended notice of proposed rulemaking by Director, OPPR.

I. Background

On June 17, 1981, the Commission adopted a recommendation that the Cotton Valley Formation in Louisiana be designated as a tight formation (Order No. 158, in Docket No. RM79–76 (Louisiana—3)). On October 29, 1981, the State of Louisiana Office of Conservation (Louisiana) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that additional areas of the Cotton Valley Group consisting of the Cotton Valley Sandstone and the Bossier Shale Formations located in the northern part of the State of Louisiana be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, a Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation (OPPR) was issued on December 28, 1981 (47 FR 39, January 4, 1982) in Docket No. RM79–76 (Louisiana—3

Addition) to determine whether Louisiana's recommendation that the Cotton Valley Group be designated a tight formation should be adopted. However, staff review indicated that the recommendation included certain oil productive areas in the Cotton Valley Sandstone and appeared to have insufficient data to support inclusion of the Bossier Shale. Also, according to staff calculations, the arithmetic average *in situ* permeability and unstimulated stabilized flow rate exceeded the Commission's guidelines.

On July 12, 1982, in response to a letter of inquiry from the Commission staff, Louisiana filed an alternative recommendation which excluded the Bossier Shale entirely, excluded all oil productive areas of the Cotton Valley Sandstone and revised the geographical area of the Cotton Valley Sandstone by excluding certain areas so that when calculated on an arithmetic average basis as advocated by staff, the permeability and production rate would satisfy the Commission's guidelines. Louisiana also requested that the Commission, without delaying consideration of the alternative recommendation, reconsider and approve the original recommended geographical area of the Cotton Valley Sandstone amended only to exclude those areas excluded in the July 12, 1982, submittal because of oil production. Louisiana submits that the geological evaluations and engineering procedures utilized in its original recommendation to determine the *in situ* permeability and stabilized production rate were both technically and legally correct and contends that the use of geometric means or medians, rather than arithmetic averages, is a proper method for estimating reservoir performance.

This Amended Notice of Proposed Rulemaking is hereby issued to give notice of Louisiana's revised recommendation and to determine if the recommended area as revised should be designated as a tight formation. Louisiana's original recommendation, the July 12, 1982 revision, and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

As originally submitted to the Commission, the recommended area consisted of the Cotton Valley Group, located in northern Louisiana, in all of Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Franklin, Jackson, Lincoln, Natchitoches, Quachita, Red River, Sabine, Tensas, Union, Vernon, Webster and Winn Parishes and parts of Allen, Beauregard, Catahoula, Concordia, Grant, La Salle, Madison, Morehouse, Rapides and Richland Parishes. Areas excluded in the original recommendation are certain portions of the Cotton Valley Group in the following fields: Beekman, Calhoun, Cheniere, Cotton Valley, Greenwood-Waskom, Hico-Knowles, Lisbon, North Carlton, Northeast Lisbon, Ruston, Sentell, Sligo, South Downsville, Terryville and West Lisbon.

By its alternative submittal on July 12, 1982, Louisiana excluded the Bossier Shale Formation entirely and also excluded additional areas of the Cotton Valley Sandstone Formation in the following fields: Arkana, Athens, Benton, Blackburn, Caddo-Pine Island, Cadeville, Cartwright, East Dykesville, East Haynesville, Haynesville, Hico-Knowles, Longwood, Middlefork, Millhaven, Minden, North Missionary Lake, Plain Dealing, Shongaloo, South Drew, Sugar Creek, Terryville, Tremont, and Unionville. Additional excluded areas that are not in the fields listed above are: Section 12, Township 19 North, Range 16 West; Sections 5 and 20, Township 21 North, Range 4 West; Sections 5 and 6, Township 21 North, Range 6 West; Section 30, Township 21 North, Range 7 West; Sections 28 and 32, Township 21 North, Range 11 West; Sections 30 and 32, Township 22 North, Range 4 West; Section 1, Township 22 North, Range 6 West; Section 34, Township 23 North, Range 2 East; Section 36, Township 23 North, Range 4 West; Sections 26, 34, 35 and 36, Township 23 North, Range 6 West; Section 24, Township 23 North, Range 7 West; Sections 9 and 29, Township 23 North, Range 9 West; and Section 28, Township 23 North, Range 15 West.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Louisiana that the Cotton Valley Sandstone Formation, as described and delineated in Louisiana's recommendation, as amended, filed with the Commission, be designated as a tight formation pursuant to § 271.703.

III. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 7, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–089 (Louisiana—3 Addition), and should give reasons, including supporting data, for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than August 23, 1982.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below, in the event Louisiana's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is revised in subparagraph (37) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(37) *Cotton Valley Sandstone Formation in Louisiana.* RM79–76–089 (Louisiana – 3). (i) *Delineation of formation.* The Cotton Valley Sandstone Formation is located in northern Louisiana. It is situated in all of Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Franklin, Jackson, Lincoln, Natchitoches, Quachita, Red River, Sabine, Tensas, Union, Vernon, Webster and Winn Parishes and parts of Allen, Beauregard, Catahoula, Concordia, Grant, La Salle, Madison, Morehouse, Rapides and Richland Parishes. Certain portions of the Cotton Valley Sandstone Formation in the following fields are excluded from the

designated area: Arkana, Athens, Beekman, Benton, Blackburn, Caddo-Pine Island, Cadeville, Calhoun, Cartwright, Cheniere, Cotton Valley, East Dykesville, East Haynesville, Greenwood-Waskom, Haynesville, Hico-Knowles, Lisbon, Longwood, Middlefork, Millhaven, Minden, North Carlton, Northeast Lisbon, North Missionary Lake, Plain Dealing, Ruston, Sentell, Shongaloo, Sligo, South Drew, South Downsville, Sugar Creek, Terryville, Tremont, Unionville and West Lisbon. Additional excluded areas that are not included in the fields are: Section 12, Township 19 North, Range 16 West; Sections 5 and 20, Township 21 North, Range 4 West; Sections 5 and 6, Township 21 North, Range 6 West; Section 30, Township 21 North, Range 7 West; Sections 28 and 32, Township 21 North, Range 11 West; Sections 30 and 32, Township 22 North, Range 4 West; Section 1, Township 22 North, Range 6 West; Section 34, Township 23 North, Range 2 East; Section 36, Township 23 North, Range 4 West; Sections 26, 34, 35 and 36, Township 23 North, Range 6 West; Section 24, Township 23 North, Range 7 West; Sections 9 and 29, Township 23 North, Range 9 West; and Section 28, Township 23 North, Range 15 West.

(ii) *Depth.* The Cotton Valley Sandstone Formation is defined as that interval encountered between the measured depths of 9,740 feet and 11,421 feet on the induction electrical log of the Phillips Petroleum Company—Martin B No. 1 well located in Section 32, Township 11 North, Range 10 West, Natchitoches Parish, Louisiana.

[FR Doc. 82-22121 Filed 8-12-82; 8:45 am]
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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

[067766]

Television Camera Lens System; Change of Practice Considered

AGENCY: Customs Service, Treasury.

ACTION: Proposed change of practice.

SUMMARY: This document gives notice that the Customs Service is reviewing the current established and uniform practice of classifying a certain television camera lens system as parts of television cameras. Customs is considering classifying that merchandise as other (optical) appliances and instruments because of a decision of the Customs Court, and seeks public comment on the proposed change of practice.

DATE: Comments (preferably in triplicate) must be received on or before September 13, 1982.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Simon L. Cain, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229; (202-566-5727).

SUPPLEMENTARY INFORMATION:

Background

Pursuant to an established and uniform practice, based on importations, the Customs Service ("Customs") has classified a television camera lens system comprised of a number of optical, electrical, and mechanical components, as parts of television cameras, under item 685.10, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202).

However, in *Rank Precision Industries, Inc.*, v. *United States*, C.D. 4866 (July 28, 1980), the United States Customs Court (not the United States Court of International Trade) held that the Varotal 30 optical-electro-mechanical television camera lens system is specifically provided for as an optical appliance or instrument under item 708.89, TSUS, at a higher rate of duty. Subsequently, the United States Court of Customs and Patent Appeals, in *Rank Precision Industries, Inc.* v. *United States*, C.A.D. 1269 (August 27, 1981), reversed the Customs Court on other grounds without disturbing the lower court's classification holding.

Proposed Change of Practice

It is Customs position that the Customs Court's decision to classify the television camera lens system in question as an optical appliance or instrument under item 708.89, TSUS, should be followed. That decision forms the basis for Customs determination that the prior established and uniform practice of classifying such merchandise under item 685.10, TSUS, as part of television cameras, was clearly wrong.

As the proposed change of practice may affect like and similar merchandise other than that before the Court, Customs seeks public comment as to the advisability of a change in the classification of such merchandise in accordance with the Court's decision, as explained above.

Authority

Inasmuch as the proposed change of practice, if implemented, will increase the amount of duties assessed on the merchandise, Customs is giving this notice and opportunity for comment as provided by section 315(d), Tariff Act of 1930, as amended (19 U.S.C. 1315(d)), and § 177.10(c)(1), Customs Regulations (19 CFR 177.10(c)(1)).

Comments

Consideration will be given to any written comments submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during the hours 9:00 a.m. to 4:30 p.m. on normal business days, at the Regulations Control Branch, Headquarters, Room 2426, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Alfred R. De Angelus,
Acting Commissioner of Customs.

Approved: July 21, 1982.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

[FR Doc. 82-22058 Filed 8-12-82; 8:45 am]
BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 146

[Docket No. 82N-0218]

Apple Juice and Concentrated Apple Juice; Possible Establishment of Standards

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Recommended International Standards for Apple Juice and Concentrated Apple Juice Preserved Exclusively by Physical Means (Codex standards) developed by the Codex Alimentarius Commission and to comment on the desirability and need for U.S. standards for these foods. The

Codex standards were submitted to the United States for consideration for acceptance. FDA also is offering an opportunity to review a petition proposing the establishment of standards of identity for apple juices. If the comments received do not support the need for U.S. standards for these foods, FDA will not propose such standards.

DATE: Comments by October 12, 1982.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which are those for apple juice preserved exclusively by physical means and concentrated apple juice preserved exclusively by physical means.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 341) applies, it is necessary either to establish a standard under the authority of section 401 of the act or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for apple juice or for concentrated apple juice.

FDA has received a petition from the Processed Apples Institute, Inc., 64 Perimeter Center East, Atlanta, GA 30346, Docket No. 78P–0385, to establish standards of identity for apple juice, apple juice from concentrate, frozen apple juice concentrate, canned apple juice concentrate, and apple juice concentrate for manufacturing.

Under the procedure prescribed in 21 CFR 130.6(b)(3), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of, standards for these foods, (2) on the specific provisions of the Codex standards and additional or different requirements that should be included in U.S. standards, if established, and (3) on any other pertinent points.

FDA, in light of the Administration's desire for fewer regulations, is publishing an advance notice of proposed rulemaking to determine whether there is adequate consumer interest to justify establishing such standards.

In the absence of convincing comments demonstrating the need for the U.S. standards for these foods, FDA will not propose such standards. If this decision is reached, the Codex Alimentarius Commission will be informed that an imported food which complies with the requirements of the Codex standards may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, which are associated with Codex, certain provisions found in Codex standards may not be keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standards for apple juice and concentrated apple juice specify analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standards proposed under this notice.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments and to include a statement of any meetings or discussions that have been held with other groups. Based upon the comments and supporting data received, and other available information, FDA then will either publish a proposal under section 401 of the act to establish standards for the foods involved or publish a notice terminating consideration of such standards.

List of Subjects in 21 CFR Part 146

Canned fruit juice, Food standards, Fruit juices.

The Codex standards under consideration are as follows:

Recommended International Standard for Apple Juice Preserved Exclusively by Physical Means

1. *Description*

Unfermented but fermentable juice, intended for direct consumption, obtained by a *mechanical* process from sound, ripe apples (*Pyrus malus* L.) preserved exclusively by physical means.[1] The juice may be turbid or clear. The juice may be clarified with the aid of the clarifying and filtering agents listed in Section 4 (Processing Aids). The juice may have been concentrated and later reconstituted with water suitable for the purpose of maintaining the essential composition and quality factors of the juice.

2. *Essential Composition and Quality Factors*

2.1 *Soluble Solids.* The soluble apple solids content of apple juice shall be not less than 10% m/m as determined by refractometer at 20°C, uncorrected for acidity and read as °Brix on the International Sucrose Scales.

2.2 *Ethanol Content.* The ethanol content shall not exceed 5 g/kg.

2.3 *Volatile Acids.* The volatile acids content shall not exceed 0.4 g/kg expressed as acetic acid.

2.4 *Organoleptic Properties.* The product shall have the characteristic colour, aroma and flavor of apple juice. Natural volatile apple juice components may be restored to any apple juice from which natural apple juice components have been removed.

[1] For the purpose of this standard preservation by physical means does not include ionizing radiation.

2.5 *Use of Concentrates.* The addition of concentrate to juice is permitted. Only concentrate from apple (*Pyrus malus* L.) may be used.

2.6 *Use of Carbon Dioxide.* The apple juice may be "carbonated".

3. *Food Additives*

		Maximum level of use
3.1	L-Ascorbic acid	not limited.

3.2 Clarifying and filtering agents as approved by the Codex Alimentarius Commission and used in accordance with good manufacturing practices.

3.3 Pure Vegetable Carbon

3.4 Pure Nitrogen

3.5 Pure Carbon Dioxide

4. *Contaminants*

		Maximum level
4.1	Arsenic (As)	0.2 mg/kg.
4.2	Lead (Pb)	0.3 mg/kg (temporarily endorsed).
4.3	Copper (Cu)	5 mg/kg.
4.4	Zinc (Zn)	5 mg/kg.
4.5	Iron (Fe)	10 mg/kg.
4.6	Tin (Sn)	150 mg/kg (temporarily endorsed).[2]

[2] The provisional limit of 150 mg/kg for tin is currently under review and will be re-examined in 1973.

4.7 Total metal content precipitable by potassium hexacyanoferrate (II) 12 mg/kg expressed as Fe.

4.8 The maximum amount of sulphur dioxide which may be present in the final product shall not exceed 10 mg/kg total SO_2.

4.9 Mineral impurities insoluble in 10% hydrochloric acid shall not exceed 20 mg/kg.

5. *Hygiene*

5.1 It is recommended that the products covered by the provisions of this standard be prepared in accordance with the Recommended International Code of Hygienic Practice for Canned Fruit and Vegetable Products (Ref. No. CAC/RCP 2–1969) and the Recommended International Code of Hygienic Practice for Quick Frozen Fruits, Vegetables and their Juices (Ref. ALINORM 71/13, Appendix IV).

5.2 When tested by appropriate methods of sampling and examination, the product:

(a) shall be free from microorganisms capable of development under normal conditions of storage; and

(b) shall not contain any substances originating from microorganisms in amounts which may be toxic.

6. *Weights and Measures*

6.1 *Fill of Container*

6.1.1 Minimum Fill. The apple juice shall occupy not less than 90% v/v of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20°C which the sealed container will hold when completely filed.

7. *Labelling*

In addition to Sections 1, 2, 4 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. No. CAC/RS 1–1969) the following specific provisions apply:

7.1 *The Name of the Food.* The name of the product shall be "apple juice".

7.2 *List of Ingredients*

7.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion except that added water need not be declared.

7.2.2 In the case of apple juice made from concentrate the fact of reconstitution shall be declared in the list of ingredients as the first ingredient as follows: "apple juice made from concentrate" or "reconstituted apply juice" or "apple juice made from concentrated apple juice".

7.2.3 The addition of L-ascorbic acid shall be declared in the list of ingredients as:

(a) "L-ascorbic acid as antioxidant", or

(b) "antioxidant"

7.3 *Net Contents.* The net contents shall be declared by volume in one or more of the following systems of measurement: Metric ("Système International"), U.S. or British units as required by the country in which the product is sold.

7.4 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

7.5 *Country of Origin*

7.5.1 The country of origin of the product shall be declared.

7.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

7.6 *Additional Requirements.* The following additional specific provisions shall apply:

7.6.1 No claims shall be made in respect of "Vitamin C" nor shall the term "Vitamin C" appear on the label unless the product contains such quantity of "Vitamin C" as would be accepted by national authorities as warranting such claim or the use of such term.

7.6.2 The term "carbonated" or an equivalent term in other languages shall be declared on the label if the apple juice contains more than 2 g/kg of carbon dioxide.

7.6.3 No fruit or fruit juice may be represented pictorially on the label except apples or apple juice.

7.6.4 Where apple juice requires to be kept under conditions of refrigeration, there shall be information for keeping and, if necessary, thawing of the product.

7.7 *Bulk Packs.* In the case of apple juice in bulk the information required in 7.1 to 7.6.4 shall either be placed on the container or be given in accompanying documents.

8. *Methods of Analysis and Sampling*

The methods of analysis and sampling referred to hereunder are international referee methods.

8.1 *Taking of sample and expression of results as m/m.* According to the IFJU method No. 1: Determination of relative density and the IFJU General Sheet: Conversion of analytical results from g/1 (mg/1) to g/kg (mg/kg) and the reverse.

8.2 *Test for fermentability*

(To be elaborated)

8.3 *Determination of soluble solids.* According to the IFJU method No. 8B, 1968: Estimation of soluble solids (indirect determination). Results are expressed as % m/m sucrose ("degrees Brix") with correction for temperature to the equivalent at 20°C.

8.4 *Determination of ethanol.* According to the IFJU method No. 2, 1968: Determination of alcohol (Ethyl alcohol) [3]. Results are expressed as g ethanol/kg.

8.5 *Determination of volatile acids.* According to the IFJU method No. 5, 1968: Determination of volatile acids. Results are expressed as g acetic acid/kg.

8.6 *Determination of ascorbic acid.* According to the method of P. Spanyar and co-workers: Zeitsch. f. anal. Chemie, 1963, *195*, 268 and Zeitsch. Lebansm. Unters. u. Forsch. 1963, *123*, 93–102.[4] Results are expressed as mg ascorbic acid/kg.

8.7 *Determination of carbon dioxide.* According to the IFJU method No. 42, 1966: Determination of carbon dioxide. Results are expressed as g carbon dioxide/kg.

8.8 *Determination of arsenic.* According to the method of the "Office International de la Vigne et du Vin" [4 5]. Results are expressed as mg arsenic/kg.

8.9 *Determination of lead.* According to the IFJU method No. 14, 1964: Determination of lead (photometric method) [5]. Results are expressed as mg lead/kg.

8.10 *Determination of copper.* According to the IFJU method No. 13, 1964: Determination of copper (photometric method) [5]. Results are expressed as mg copper/kg.

8.11 *Determination of zinc.* According to the AOAC (1970) method (Official Methods of Analysis of the AOAC, 1970, 25.077–25.082: Zinc—Official First Action, Colorimetric Method *(15)*).[6] Results are expressed as mg zinc/kg.

8.12 *Determination of iron.* According to the IFJU method No. 15, 1964: Determination of iron (photometric method).[6] The determination shall be made after dry ashing as described in Section 5—Remark (b). Results are expressed as mg iron/kg.

8.13 *Determination of tin.* According to the Draft ISO Recommendation No. 2447: Fruit and Vegetable Products—Determination of Tin.[6 7] Results are expressed as mg tin/kg.

8.14 *Determination of total metal content precipitable by potassium hexacyanoferrate (II).* According to the Method 30/22/23 of Schweitzerisches Lebensmittelbuch, Chapter 30, Wien.[6 8] Results are expressed as mg total metal content precipitable by potasssium hexacyanoferrate(II)/kg.

8.15 *Determination of sulphur dioxide.* According to the IFJU method No. 7, 1968: Determination of total sulphur dioxide. Results are expressed as mg SO_2/kg.

8.16 *Determination of mineral impurities insoluble in hydrochloric acid.* According to the ADAC (1970) method (Official Methods of Anaylsis of the AOAC, 1970, 22.020

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[3] To be amended by IFJU to take into account operating temperatures higher than 20°C.

[4] To be included in the IFJU Manual at a later stage.

[5] Temporarily endorsed.

[6] Temporarily endorsed

[7] To be finalized by 1972

[8] To be included in the IFJU Manual at a later stage

paragraph 1, 31.012 and 30.005: Ash insoluble in Acid. Official Final Action). The exact concentration of HCl to be used is not critical. Results are expressed as mg mineral impurities insoluble in hydrochloric acid/kg."

8.17 *Determination of water capacity and fill of containers.* According to the method published in the Almanac of the Canning, Freezing, Preserving Industries, 55th Edition, 1970, p. 131–132, E.E. Judge and Sons, Westminster MD (USDA).[8,9]

Selected Bibliography

—International Federation of Fruit Juice Producers (IFJU). Collection of the Methods of Analysis. Swiss Fruit Union, Baarestr. 88, CH–6300 *Zug* 2 (Switzerland)
—Official Methods of Analysis of the Association of Official Analytical Chemists (11th Ed., 1970). A.O.A.C., P.O.B. 540, Benjamin Franklin Station, Washington 4, DC.
—International Organization for Standardization (ISO). General Secretariat, 1 rue de Varembé, 1211—Geneva 20.
—Office International de la Vigne et du Vin. Recueil des Méthodes Internationales d' Analyse des Vins. 11, rue Roquépine, Paris (8éme)

Joint FAO/WHO Food Standards Programme, Codex Alimentarius Commission

Amendments to the Recommended International Standard for Apple Juice Preserved Exclusively by Physical Means

The Codex Alimentarius Commission, at its Eleventh Session, adopted amendments to the following provisions in the above standard CAC/RS 48–1971:

(1) *Section 1, Description.* Delete from the third sentence the words "with the aid of the clarifying and filtering agents listed in Section 4 (Processing Aids)".

(2) *Section 3, Food Additives.* Delete the words "of use".

(3) *Sections 3.3, 3.4 and 3.5.* Delete the word "pure".

(4) *Section 5.1, Hygiene.* Delete "Recommended International Code of Hygienic Practice for Quick Frozen Fruits, Vegetables and their Juices (Ref. ALINORM 71/13, Appendix IV)" and replace by "General Principles of Food Hygiene (Ref. No. CAC/RCP 1–1969)".

(5) *Section 5.2 (b).* Delete "be toxic" and replace by "represent a hazard to health".

(6) *Section 7, Labelling.* Delete the word "specific" from the preamble.

(7) *Section 7.2.2, List of Ingredients.* Delete the words "as the first ingredient" and add the following new sentence: "If there are no ingredients to be listed in accordance with Section 7.2.1, the expression "apple juice made from concentrate" or "reconstituted apple juice" or "apple juice made from concentrated apple juice" shall appear on the label."

(8) *Section 7.3, Net Contents.* Add at the end of sentence "for British units, units of capacity measurement shall be used."

(9) *Section 7.5, Country of Origin.* Section 7.5.1: Add at the end of sentence "if its ommission would mislead or deceive the consumer and delete the number "7.5.1".

Section 7.5.2: Delete.

(10) *Section 7.6.1, Additional Requirements.* Insert "in the country in which the producgt is sold" after the phrase "as would be accepted by national authorities".

(11) *Section 7.7, Bulk Packs.* Replace Section 7.7 Bulk Packs by the following text: "In the case of apple juice in bulk, the information required in Sections 7.1 to 7.6.4 shall either be given on the container or in accompanying documents except that the name of the product and the name and address of the manufacturer or packer should appear on the container. However, the name and address of the manufacturer or packer may be replaced by an identification mark, provided that such a mark is clearly identifiable with the accompanying documents."

(12) *Section 7.2.1, List of Ingredients.* Delete "added water need not be declared" and replace by "water added for reconstitution of juice according by Section 1 and the processing aids specified in Sections 3.2 to 3.5 need not be declared".

Recommended International Standard for Concentrated Apple Juice Preserved Exclusively by Physical Means

1. *Description*

Concentrated apple juice is the unfermented but fermentable juice preserved exclusively by physical means,[10] obtained by the process of concentration (as defined in Section 1.1) from the raw materials as described in Section 1.2. It may be turbid or clear. The concentrated apple juice may be clarified with the aid of clarifying and filtering agents in accordance with Section 3.2.

1.1 *Process Definitions.* The process of concentration consists of the physical removal of water until the product has a soluble apple solids content of not less than 20% m/m as determined by refractometer at 20°C, uncorrected for acidity and read as °Brix on the International Sucrose Scales, and includes (1) the addition of juice or concentrate or water suitable for the purpose of maintaining the essential composition and quality factors of the concentrate and (2) the addition of natural volatile apple juice components where these have been previously removed.

1.2 The raw material from which this product is obtained is unfermented but fermentable apple juice obtained by a mechanical process from sound, ripe apples (*Pyrus malus* L.).

2. *Essential Composition and Quality Factors*

2.1 *Requirements for the juice after reconstitution.* The product obtained by reconstituting the concentrated apple juice in accordance with Section 7.7 of this standard shall comply with all the provisions of the Recommended International Standard for Apple Juice Preserved Exclusively by Physical Means (Ref. No. CAC/RS 48–1971).

2.2 *Use of Carbon Dioxide.* The concentrated apple juice may be "carbonated".

3. *Food Additives*

	Maximum Level of use
3.1 L-Ascorbic acid	Not limited.

3.2 Clarifying and filtering agents as approved by the Codex Alimentarius Commission and used in accordance with good manufacturing practices.

3.3 Pure vegetable carbon

3.4 Pure nitrogen

3.5 Pure carbon dioxide

4. *Contaminants*

When apple juice concentrate is reconstituted in accordance with Section 7.7 of this standard, the limits of contaminants shall not exceed those laid down in Section 4 of the Standard for Apple Juice Preserved Exclusively by Physical Means (Ref. No. CAC/RS 48–1971).

5. *Hygiene*

5.1 It is recommended that the products covered by the provisions of this standard be prepared in accordance with the Recommended International Code of Hygenic Practice for Canned Fruit and Vegetable Products (Ref. No. CAC/RCP 2–1969) and the Recommended International Code of Hygienic Practice for Quick Frozen Fruits, Vegetables and their Juices (Ref. ALINORM 71/13, Appendix IV).

5.2 When tested by appropriate methods of sampling and examination, the product:

(a) shall be free from micro-organisms capable of development under normal conditions of storage; and

(b) shall not contain any substances originating from micro-organisms in amounts which may be toxic.

6. *Weights and Measures*

6.1 *Fill of Container*

6.1.1 Minimum Fill (exclusive of bulk packs). The concentrated apple juice shall occupy not less than 90% v/v of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20° which the sealed container will hold when completely filled.

7. *Labelling*

In addition to Sections 1, 2, 4 and 6 of the Recommended International General Standard for the labelling of Prepackaged Foods (Ref. No. CAC/RS 1–1969), the following specific provisions apply:

7.1 *The Name of the Food.* The name of the product shall be "concentrated apple juice". For prepackaged products an indication of the degree of concentration, for example the number of parts by volume of water which have to be added to one part by volume of the concentrate to obtain at least the minimum requirements of single strength juice as defined in Section 7.7 of this standard, shall plainly and conspicuously appear in close proximity to the name of the product.

7.2 *List of Ingredients.*

7.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion except that the components mentioned in 1.1 need not be declared.

[8] Reproduced in ALINOFM 71/23, Appendix V

[10] For the purpose of this standard preservation by physical means does not include ionizing radiation.

7.2.2 The addition of L-ascorbic acid shall be declared in the list of ingredients as:

(a) "L-Ascorbic acid as antioxidant" or

(b) "Antioxidant"

7.3 *Net Contents.* The net contents shall be declared by volume in either the metric ("Système International"), U.S. or British units as required by the country in which the product is sold.

7.4 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

7.5 *Country of Origin*

7.5.1 The country of origin of the product shall be declared.

7.5.2 When the product undergoes processing in a second country which change its nature, the country in which the processing is performed shall be considered to be the country of origin for the purpose of labelling.

7.6 *Additional Requirements.* The following additional specific provisions shall apply:

7.6.1 No claims shall be made in respect of "Vitamin C" nor shall the term "Vitamin C" appear on the label unless the product contains such quantity of "Vitamin C" as would be accepted by national authorities as warranting such claim or the use of such term.

7.6.2 The term "carbonated" or an equivalent term in other languages shall be declared on the label if the apple juice contains more than 2 g/kg of carbon dioxide.

7.6.3 No fruit or fruit juice may be represented pictorially on the label except apples or apple juice.

7.6.4 Where concentrated apple juice requires to be kept under conditions of refrigeration, there shall be information for keeping and, if necessary, thawing of the product.

7.7 *Degree of Concentration.* Instructions for dilution shall be given on the container by stating the percentage of soluble apple solids, by weight as determined by refractometer at 20°C, uncorrected for acidity, and read as °Brix on the International Sucrose Scales or in the case of prepackaged products, by stating the number parts by volume of water which are required to be added to one part by volume of the concentrated juice in order to obtain juice which complies at least with the minimum requirements of the Recommended International Standard for Apple Juice (Ref. No. CAC/RS 48–1971).

7.8 *Bulk Packs.* In the case of concentrated apple juice in bulk the information required in 7.1 to 7.7 shall either be placed on the container or be given in accompanying documents.

8. *Methods of Analysis and Sampling*

(To be finalized later).

Joint FAO/WHO Food Standards Programme, Codex Alimentarius Commission

Amendments to the Recommended International Standards for Concentrated Apple Juice and for Concentrated Orange Juice

The Codex Alimentarius Commission, at its Eleventh Session, adopted amendments to the following provisions in the above standards CAC/RS 63–1972 (Concentrated Apple Juice) and CAC/RS 64–1972 (Concentrated Orange Juice):

(1) Standard for *Concentrated Apple Juice,* Standard for *Concentrated Orange Juice Section 1, Description.* Delete the words "but fermentable juice" and replace by "product which is capable of fermentation after reconstitution".

(2) Standard for *Concentrated Apple Juice,* Standard for *Concentrated Orange Juice Section 1.1, Process Definition.* Replace the word "includes" by "and may include" and delete the word "previously".

(3) Standard for *Concentrated Apple Juice Section 3, Food Additives.* Delete the words "of use".

(4) Standard for *Concentrated Apple Juice Sections 3.3, 3.4 and 3.5.* Delete the word "pure".

(5) Standard for *Concentrated Apple Juice Section 5.1, Hygiene.* Standard for *Concentrated Orange Juice Section 4.1, Hygiene.* Delete "Recommended International Code of Hygienic Practice for Quick Frozen Fruits, Vegetables and their Juices (Ref. ALINORM 71/13, Appendix IV)" and replace by "General Principles of Food Hygiene (Ref. No. CAC/RCP 1–1969)".

(6) Standard for *Concentrated Apple Juice Section 5.2. (b).* Standard for *Concentrated Orange Juice Section 4.2(b).* Delete "be toxic" and replace by "represent a hazard to health".

(7) Standard for *Concentrated Apple Juice Section 7, Labelling.* Standard for *Concentrated Orange Juice Section 6, Labelling.* Delete the word "specific" from the preamble.

(8) Standard for *Concentrated Orange Juice Section 6.1, Name of the Food.* Delete the phrase "is the name of the sugar added" and replace by "represents the name or names of the sugar or sugars added".

(9) Standard for *Concentrated Apple Juice Section 7.3, Net Contents* Standard for *Concentrated Orange Juice Section 6.3, Net Contents.* Add at the end of the sentence "for British units, units of capacity measurement shall be used".

(10) Standard for *Concentrated Apple Juice Section 7.5, Country of Origin.* Section 7.5.1: Add at the end of sentence "if its omission would mislead or deceive the consumer" and delete the number "7.5.1". Section 7.5.2: Delete.

(11) Standard for *Concentrated Orange Juice Section 6.5, Country of Origin.* Section 6.5.1: Add at the end of sentence "if its omission would mislead or deceive the consumer" and delete the number "6.5.1". Section 6.5.2: Delete.

(12) Standard for *Concentrated Apple Juice Section 7.6.1, Additional Requirements.* Insert "in the country in which the product is sold" after the phrase "as would be accepted by national authorities".

(13) Standard for *Concentrated Apple Juice Section 7.8, Bulk Pack* Standard for *Concentrated Orange Juice Section 6.8, Bulk Pack.* Replace Section 7.8, Bulk Pack (Concentrated Apple Juice) and Section 6.8, Bulk Pack (Concentrated Orange Juice) respectively by the following text:

"In the case of concentrated apple juice (concentrated orange juice) in bulk, the information required by Sections 7.1 to 7.7 (6.1 to 6.7) shall either be given on the container or in accompanying documents except that the name of the product and the name and address of the manufacturer or packer should appear on the container. However, the name and address of the manufacturer or packer may be replaced by an identification mark, provided that such a mark is clearly identifiable with the accompanying documents.

PART 146—CANNED FRUIT JUICES

The Processed Apples Institute, Inc., proposed standards of identity for (1) apple juice, (2) apple juice from concentrate, (3) frozen apple juice from concentrate, (4) canned apple juice concentrate, and (5) apple juice concentrate for manufacturing are as follows:

§ 146.103 Apple juice.

(a) *Identity.* Apple juice is the unfermented juice obtained from sound, ripe apples of the species *Pyrus malus L.,* with or without parts thereof. The juice may be clarified or non-clarified, but must meet the specifications of paragraph (b) of this section. Apple juice products identified in §§ 146.105–.107 of this Part may be added to adjust the acid and brix levels of the finished food within the specifications of paragraph (b) of this section, provided that any added apple juice product(s) shall not contribute more than one-quarter of the total apple juice solids in the finished apple juice. No water may be added directly to the finished food. Natural volatile apple juice components (apple essence) may be restored to the extent they have been removed. Vitamin C may be added in accordance with paragraph (c) of this section.

(b) *Specifications.* The finished food shall contain not less than 10.5 percent m/m soluble apple juice solids, determined by refractometer at 20° C, uncorrected for acidity and read as °Brix on the International Sucrose Scales. The finished food shall contain not less than 0.2 gram, but not more than 0.8 gram, titratable acid (calculated as malic acid) per 100 milliliters.

(c) *Fortification.* In addition to its use as an anti-oxidant, ascorbic acid may be added in a quantity such that the total Vitamin C in each six fluid ounces of the finished food provides not less than 50 percent but not more than 100 percent of the U.S. RDA for Vitamin C as set forth in Section 101.9. This requirement will

be deemed to have been met if a reasonable overage of the vitamin, within limits of good manufacturing practice, is present to ensure that the required level is maintained throughout the expected shelf life of the food under customary conditions of distribution.

(d) *Optional Ingredients.* The following safe and suitable ingredients may be used:

(i) Ascorbic acid.

(ii) Carbon dioxide.

(iii) Food acids.

(iv) Preservatives.

(e) *Nomenclature.* The name of the food shall be "apple juice" or "apple cider."

(f) *Labeling.* (1) When any of the optional ingredients are present in the finished food, they shall be declared on the label as required by the applicable sections of this chapter, except that,

(i) when ascorbic acid is added only in amounts needed pursuant to good manufacturing practices to retard oxidation, it shall be declared in accordance with § 101.22 (j) of this chapter, and

(ii) when Vitamin C is added as provided in paragraph (a) of this section, it shall be designated on the principal display panel of the label as "Vitamin C added," "with added Vitamin C." "Vitamin C enriched," or "Vitamin C fortified."

(2) If the finished food contains more than 2 g/kg of carbon dioxide, the term "carbonated" or a similar descriptive term shall be added to the identity statement.

§ 146.104 Apple juice from concentrate.

(a) *Identity.* Apple juice from concentrate is the food prepared by mixing water with apple juice products identified in §§ 146.105–.107 of this Part. Natural volatile apple juice components (apple essence) may be restored to the extent that they have been removed during the concentration process. The optional ingredients specifications, and labeling of the finished food shall conform to the requirements for apple juice set forth in § 146.103, except that

(i) the finished product shall contain not less than 11.5% m/m soluble apple juice solids,

(ii) apple juice, as defined in § 146.103 of this chapter, may be added to adjust acid and brix levels, and

(iii) the limitation in the third sentence of § 146.103(a) does not apply.

(b) *Nomenclature.* The name of the food shall be "apple juice from concentrate," "apple cider from concentrate," "reconstituted apple juice," or "reconstituted apple cider."

§ 146.105 Frozen concentrated apple juice.

(a) *Identity.* Frozen concentrated apple juice is the food prepared by removing water from the unfermented juice obtained from sound, ripe apple of the species *Pyrus malus L.*, with or without parts thereof. The juice may be clarified or nonclarified but must meet the specifications of paragraph (b) of this section. Natural volatile apple juice components (apple essence) may be restored to the extent they have been removed. Apple juice and water may be added to adjust the acid and brix levels of the finished food within the specifications of paragraph (b) of this section. Vitamin C may be added in accordance with paragraph (c) of this section. The food is preserved by freezing.

(b) *Specifications.* The finished food shall contain not less than 22.9 percent m/m soluble apple solids, determined by refractometer at 20°C., uncorrected for acidity and read as °Brix on the International Sucrose Scales. When diluted according to the label directions, the reconstituted product shall contain not less than 11.5 percent m/m soluble apple juice solids, similarly determined. The reconstituted food shall contain not less than 0.2 gram, but not more than 0.8 gram titratable acid (calculated as malic acid) per 100 milliters of reconstituted finished food.

(c) *Fortification.* Vitamin C may be added in a quantity such that the total Vitamin C in each six fluid ounces of the finished food provides not less than 50 percent but not more than 100 perecent of the U.S. RDA for Vitamin C as set forth in Section 101.9.
This requirement will be deemed to have been met if a reasonable overage of the vitamin, within limits of good manufacturing practice, is present to ensure that the required level is maintained throughout the expected shelf life of the food under customary conditions of distribution.

(d) *Optional Ingredients.* The following safe and suitable optional ingredients may be used.

(i) Ascorbic acid, pursuant to paragraph (c) of this section only.

(ii) Food acids.

(e) *Nomenclature.* The name of the food shall be "frozen concentrated apple juice." "frozen concentrated apple cider," "frozen apple juice concentrate," or "frozen apple cider concentrate."

(f) *Labeling.* (1) When any of the optional ingredients are present in the finished food, they shall be declared on the lable as required by the applicable sections of this chapter, except that, when Vitamin C is added as provided in paragraph (a) of this section, it shall be designated on the principal display panel of the lable as "Vitamin C added," "with added Vitamin C," or "Vitamin C enriched"; in addition, the product shall be labeled in accordance with Section 101.9 of this chapter.

(2) Apple juice and water used to adjust the brix and acidity levels of the finished product need not be separately declared.

(3) Information for dilution shall be given on the container by stating the number of parts by volume of water required to be added to one part by volume of concentrated apple juice to obtain a product which complies with the requirements of paragraph (b) of this section with respect to the diluted product.

§ 146.106 Canned concentrated apple juice.

(a) *Identity.* Canned concentrated apple juice complies with the requirements for composition, labeling, and dilution ratio prescribed for frozen concentrated apple juice by § 146.105, except that it is not frozen but is sealed in containers and so processed by heat, either before or after sealing, as to prevent spoilage.

(b) *Nomenclature.* The name of the food shall be "canned concentrated apple juice," "canned concentrated apple cider," "canned apple juice concentrate," or "canned apple cider concentrate," except that if the food does not purport to be frozen concentrated apple juice, the word "canned" may be omitted.

§ 146.107 Concentrated apple juice for manufacturing.

(a) *Identity.* Concentrated apple juice for manufacturing is the food that complies with the requirements for specifications, optional ingredients, and labeling for frozen concentrated apple juice prescribed by § 146.105, except that it is not frozen and it is so processed or packaged, or contains a safe and suitable preservative, as to prevent spoilage in light of its intended shipment and use, and except that information shall be provided on the container as to the percentage of soluble apple juice solids by weight, as determined by refractometer, and the use of any safe and suitable preservatives shall be declared on the label.

(b) *Nomenclature.* The name of the food shall be "concentrated apple juice for manufacturing," or "apple juice concentrate for manufacturing," except that the words "for manufacturing" may be omitted from any declaration required under § 101.4(a) of this chapter.

Interested persons may, on or before October 12, 1982 submit to the Dockets Management Branch (address above), written comments (preferably two copies) regarding this notice. Each comment should identify the titles of the Codex standards and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption. However, any comments submitted in support of establishing U.S. standards for these foods should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: August 3, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82–21890 Filed 8–12–82; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 182

[Docket No. 80N–0361]

Thiodipropionic Acid and Dilauryl Thiodipropionate; Proposed Removal of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to remove thiodipropionic acid and dilauryl thiodipropionate from the list of direct human food ingredients that are generally recognized as safe (GRAS). The safety of these ingredients has been evaluated under a comprehensive safety review conducted by the agency. A proposal to affirm propionic acid and certain propionates as GRAS appears elsewhere in this issue of the **Federal Register.**

DATE: Comments by October 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Vivian Prunier, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–5487.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive safety review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of thiodipropionic acid and dilauryl thiodipropionate has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to remove thiodipropionic acid and its dilauryl ester from the list of GRAS ingredients for direct food use because the agency has not received any reports of current use of these substances as direct human food ingredients.

Thiodipropionic acid ($(CH_2CH_2COOH)_2S$) occurs as nacreous leaflets. Its dilauryl ester ($((C_{12}H_{25}OOCCH_2CH_2)_2S$) occurs as white crystalline, water insoluble flakes having a sweetish, esterlike odor. They are useful in combination with phenolictype antioxidants in the stabilization of food-packaging films such as polyolefins but are relatively ineffective as antioxidants in edible fats.

Thiodipropionic acid and dilauryl thiodipropionate are listed in §§ 182.3109 and 182.3280 (21 CFR 182.3109 and 182.3280), respectively, as GRAS for direct food use as chemical preservatives at levels not exceeding 0.02 percent of the fat or oil content under a regulation published in the **Federal Register** of November 20, 1959 (24 FR 9368).

Thiodipropionic acid and dilauryl thiodipropionate are listed in § 181.24 (21 CFR 181.24) as prior-sanctioned ingredients for use as antioxidants in food-packaging material. Indirect use of thiodipropionic acid is listed in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010). Thiodipropionic acid and dilauryl thiodipropionate are permitted for use as antioxidants in § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300).

In 1971, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which thiodipropionic acid and dilauryl thiodipropionate were used and the levels of use. NAS/NRC combined this information from this survey of consumer consumption with information on the amount of thiodipropionic acid and dilauryl thiodipropionate manufactured to obtain an estimate of consumer exposure to these ingredients. The NAS/NRC survey indicated that thiodipropionic acid and dilauryl thiodipropionate are not used as direct human food ingredients.

Thiodipropionic acid and dilauryl thiodipropionate were the subjects of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 31 abstracts on the thiodipropionates was reviewed, and 5 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

Information from the scientific literature review and other available studies has been summarized in a report to FDA by the Select Committee on GRAS Substances (the Select Committee), which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). The members of the Select Committee have evaluated all the available safety information on thiodipropionic acid and dilauryl thiodipropionate.[1] In the Select Committee's opinion:

> A survey of industry indicated thiodipropionic acid and dilauryl thiodipropionate were not added to processed foods in 1970. There might be some quantity of these compounds in antioxidant formulations in use today that the Select Committee has not been able to identify. If so, it is most likely to be small. In any case, it may be advisable that this value be ascertained. These substances are of limited value as antioxidants in food systems but may be of greater importance in food packaging films. If thiodipropionic acid and dilauryl thiodipropionate are added to food, present limitations require that the total content of antioxidants may not exceed 0.02 percent of fat or oil content, including essential (volatile) oil content of the food. When used in food packaging, the resulting level of addition to the packaged food must be less than 0.005 percent.

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[1] "Evaluation of the Health Aspects of Propionic Acid, Calcium Propionate, Sodium Propionate, Dilauryl Thiodipropionate, and Thiodipropionic Acid as Food Ingredients," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1979, pp. 17–19. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it represents a significant savings to the agency in publication costs, FDA has decided to discontinue presenting the discussion in the preamble to proposals that remove substances from the GRAS list.

Thiodipropionic acid and dilauryl thiodipropionate are of low acute toxicity when orally administered to experimental animals. Doses of 100 mg per kg administered to rats were absorbed and largely excreted in the urine within a few days as thiodipropionic acid or an acid-labile conjugate. Apparently less than 10 percent is otherwise metabolized, and in the case of the ester, evidence of some incorporation into fat depots was detected. No studies of the disposition of these compounds in humans or subhuman primates are available for review. Tests of the teratogenic and mutagenic effects of both compounds did not suggest cause for concern. The only reports of feeding studies are unpublished and of limited thoroughness. The unpublished feeding studies on thiodipropionic acid in rats and guinea pigs presented no adverse effects as measured by growth rate of mortality. However, in unpublished long-term studies, the investigators noted increased mortality in groups of rats fed dilauryl thiodipropionate as 0.5 and 3 percent of the diet and as a mixture with thiodipropionic acid as 1.1 percent of the diet. It would seem advisable to conduct adequate long-term feeding studies on thiodipropionic acid and dilauryl thiodipropionate should it be ascertained that significant amounts are currently being used.[2]

The Select Committee concludes that no evidence in the available information on thiodipropionic acid and dilauryl thiodipropionate demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when these substances are used at levels that are now current and in the manner now practiced. However, the Select Committee also states that it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard.[3]

FDA has undertaken its own evaluation of all available information on thiodipropionic acid and dilauryl thiodipropionate and agrees with the conclusion of the Select Committee. However, the agency is unaware of any current use of these substances as direct human food ingredients. Accordingly, the agency is proposing to remove these ingredients from the GRAS list. These ingredients can continue to be used in foodpackaging materials in accordance with their prior-sanction under § 181.24.

In the **Federal Register** of April 13, 1973 (38 FR 9310), FDA proposed to remove 52 substances, including thiodipropionic acid and dilauryl thiodipropionate, from the GRAS list because no direct food uses of these substances had been reported in the 1971 NAS/NRC survey of food manufacturers. The proposal was withdrawn in the **Federal Register** of July 26, 1973 (38 FR 20041) because many of the comments indicated that some of these substances were indeed being used in food.

Two comments to the April 13, 1973 proposal addressed the direct food uses of thiodipropionic acid and its dilauryl ester. One manufacturer commented on the possible future use of these ingredients as antioxidants in vitamin concentrates. The other comment supplied data showing the efficacy of these ingredients as antioxidants in frozen fish fillets, soybean oil, and milk fat and as a synergist with other antioxidants in soybean oil. However, these comments provided no data showing actual uses of these ingredients in food. Because the agency has not received any reports of current use of these substances as direct human food ingredients, it is again proposing to remove them from the GRAS list. However, if FDA receives, as comments on this proposal, evidence (food categories, intended technical effects, and levels of addition) of actual direct food uses of thiodipropionic acid or dilauryl thiodipropionate, the agency will consider affirming these uses as GRAS.

Copies of the scientific literature review on propionates and thiodipropionates, teratogenic evaluations of dilauryl thiodipropionate, mutagenic evaluations of dilauryl thiodipropionate and thiodipropionic acid, and the report of the Select Committee are available for review at the Dockets Management Branch (address above), and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price[1]
Propionates and thiodipropionates (scientific literature review).	PB228-536/AS	A05	$8.00
Propionates and thiodipropionates (Select Committee report).	PB80-104599	A03	6.00
Dilauryl thiodipropionate (teratologic evaluation, rabbit).	PB223-824/AS	A02	5.00
Dilauryl thiodipropionate (teratologic evaluation; mouse, rat, hamster).	PB221-776	A03	6.00
Thiodipropionic acid (mutagenic evaluation).	PB257-874/AS	A03	6.00
Dilauryl thiodipropionate (mutagenic evaluation).	PB245-452/AS	A06	9.00

[1] Price subject to change.

A proposal to affirm propionic acid and the propionates as GRAS appears elsewhere in this issue of the **Federal Register.**

This proposed action does not affect the current use of thiodipropionic acid or dilauryl thiodipropionate in pet food or animal feed.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that, because there are no current known uses of thiodipropionic acid or dilauryl thiodipropionate as direct human food ingredients, the proposal will have no effect on both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects in 21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§§ 182.3109 and 182.3280 [Removed]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Part 182 be amended by removing § 182.3109 *Thiodipropionic acid* and § 182.3280 *Dilauryl thiodipropionate.*

The agency is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should

[2] *Ibid.*, p. 20.
[3] *Ibid.*, pp. 20–21.

any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it is GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before October 12, 1982, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 27, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-21972 Filed 8-12-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 182 and 184

[Docket No. 78N-0199]

GRAS Status of Pectins

AGENCY: Food and Drug Administration.

ACTION: Tentative final rule.

SUMMARY: The Food and Drug Administration (FDA) is tentatively affirming that pectins are generally recognized as safe (GRAS) as direct human food ingredients. The safety of these ingredients has been evaluated under the comprehensive safety review conducted by the agency. FDA is publishing this document as a tentative final rule because the agency is not including levels of use or food categories in the GRAS affirmation regulation for these substances.

DATE: Comments on the revisions made to the regulation and issued as part of this tentative final rule by October 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 29, 1978 (43 FR 38591), FDA published a proposal to affirm that pectins are GRAS for use as direct human food ingredients. The proposal was published in accordance with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), copies of the scientific literature review on pectins and of the report of the Select Committee on GRAS Substances (the Select Committee) on pectins and pectinates have been made available for public review in the Dockets Management Branch (address above). Copies of these documents have also been made available for public purchase from the National Technical Information Service as announced in the proposal.

In addition to proposing to affirm the GRAS status of pectins, FDA gave public notice that it was unaware of any prior-sanctioned food ingredient use for these substances, other than for the proposed conditions of use. Persons asserting additional or extended uses, in accordance with approvals granted by the U.S. Department of Agriculture or FDA before September 6, 1958, were given notice to submit proof of those sanctions, so that the safety of the prior-sanctioned use could be determined. That notice was also an opportunity to have prior-sanctioned uses of pectins recognized by issuance of an appropriate regulation under Part 181—Prior-Sanctioned Food Ingredients (21 CFR Part 181) or affirmed as GRAS under Part 184 or 186 (21 CFR Part 184 or 186) as appropriate.

FDA also gave notice that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert such sanction at any future time.

No reports of a prior-sanctioned use for pectins were submitted in response to the proposal. Therefore, in accordance with that proposal, any right to assert a prior sanction for a use of pectins under conditions different from those set forth in this regulation has been waived.

Twelve comments were received in response to the proposal on pectins. Eight comments requested that the regulation be modified to accommodate uses not covered in the proposal. Six comments argued that current good manufacturing practice (CGMP) levels of use do not need to be specified because (1) levels of pectin occurring naturally in food exceeds those levels added during food processing; (2) excessive use of pectins is economically unfeasible and results in products with unacceptable texture; and (3) the quantity of pectins required for jelling varies with the sugar or fat content of the food and the methoxy content of the pectin. Five comments assumed that agency approval would be required for any use not covered in the final rule and stated that establishment of levels of use would stifle innovation. The comments contended that any dietetic product developed in the future probably would contain a higher level of pectin than its regular counterpart, and that therefore, establishment of levels of use for this ingredient would inhibit new product development.

The agency has considered the claims made in these comments about the need for levels of use for pectin. The comments have misunderstood the effect of a regulation that affirms the GRAS status of a substance in accordance with CGMP. Contrary to the interpretation underlying the comments, FDA has never intended to establish specific limitations on use of the substance. However, the agency agrees with these comments that the interdependence of the methoxy content of the pectins used, the pectins' jelling properties, and the amount of fat or sugar in food will limit the amount of pectins used in food. In addition, these factors require the use of variable amounts of pectins in food, making levels of use misleading. Finally, the agency agrees that the amount of pectins naturally occurring in foods exceeds the amount that is added to processed foods, and that there is a wide margin of safety for the food uses of pectins. The agency concludes that these factors obviate the need for specifying the levels of use and food categories for pectins. FDA is also concerned that defining such conditions of use in its GRAS final rule for pectins may unnecessarily inhibit future food use of these ingredients.

Additionally, FDA has decided not to include in the GRAS affirmation regulation for pectins the categories and the levels of use reported in the National Academy of Sciences/National Research Council food survey for these ingredients. Both the Federation of American Societies for Experimental Biology and the agency have concluded that a large margin of safety exists for these substances, and that a reasonably foreseeable increase in the level of consumption of pectins will not adversely affect human health. Therefore, the agency has decided to tentatively affirm the GRAS status of pectins when they are used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)). To make clear, however, that the tentative affirmation of the GRAS status of pectins is based on the evaluation of

limited uses, the regulation sets forth the technical effects that FDA evaluated.

In the judgment of FDA, its decision not to include levels of use and food categories does not represent a major departure from the proposed regulation. The levels of use included in the proposal were never intended to be specific limitations, and the proposal was not intended to preclude the use of pectins in any food category. However, to afford interested persons the opportunity to comment on the agency's decision, FDA is issuing this tentative final rule under § 10.40(f)(6) (21 CFR 10.40(f)(6)). FDA will review any comments relevant to the removal of the levels of use and food categories that it receives within the 60-day comment period and will issue in the **Federal Register** either an announcement that this tentative final rule has become final or an announcement of modification to the regulation made on the basis of the new comments.

In the future, FDA will propose to adopt a general policy restricting the circumstances in which it will specifically describe conditions of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.1(b)(1). The agency intends to amend its regulations to indicate clearly that it will specify one or more of the current good manufacturing practice conditions of use in regulations for substances affirmed as GRAS with no limitations other than current good manufacturing practice only when the agency determines that it is appropriate to do so.

The format of the regulation included in this tentative final rule is different from that in the proposal and in previous GRAS affirmation regulations. FDA has modified paragraph (c) of § 184.1775 to make clear the agency's determination that GRAS affirmation is based upon CGMP conditions of use, including the technical effects listed. This change has no substantive effect, but is made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect this tentative final rule would have on small entities including small businesses. Because the tentative final rule imposes no new restrictions on the use of these ingredients, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this tentative final rule, and the agency has determined that the final rule if promulgated from this tentative final rule would not be a major rule as defined by that Order.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients Spices and flavorings.

21 CFR Part 184

Direct food ingredients Food ingredients; Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055 as amended, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.1775 [Removed]

1. Part 182 is amended by removing § 182.1775 *Sodium pectinate.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended by adding new § 184.1775, to read as follows:

§ 184.1775 Pectins.

(a) The pectins (CAS Reg. No. 9000–69–5) are a group of complex, high molecular weight polysaccharides found in plants and composed chiefly of partially methylated polygalacturonic acid units. Portions of the carboxyl group occur as methyl esters, and the remaining carboxyl groups exist in the form of the free acid or as its ammonium, potassium, or sodium (CAS Reg. No. 9000–59–8) salts, and in some types as the acid amide. Thus, the pectins regulated in this section are the high-ester pectins, low-ester pectins, amidated pectins, pectinic acids, and pectinates. Pectin is produced commercially by extracting citrus peel, apple pomace, and beet pulp with hot dilute acid (pH 1.0 to 3.5, 70 to 90° C). The extract if filtered, and pectin is then precipitated from the clear extract with ethanol or isopropanol, or as the copper or aluminum salt. The acid extract is sometimes spray- or roller-dried, or it is concentrated to be sold as liquid pectin.

(b) The ingredients meet the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 215, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredients are used in food with no limitations other than current good manufacturing practice. The affirmation of these ingredients as generally recognized as safe (GRAS) as direct human food ingredients is based upon the following current good manufacturing practice conditions of use:

(1) The ingredients are used as emulsifiers as defined in § 170.3(o)(8) of this chapter and as stabilizers and thickeners as defined in § 170.3(o)(28) of this chapter.

(2) The ingredients are used in food at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for these ingredients different from the uses established in this section do not exist or have been waived.

Interested persons may on or before October 12, 1982, file with the Dockets Management Branch (address above), written comments regarding this tentative final rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 27, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-21885 Filed 8-12-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 182 and 184

[Docket No. 80N-0362]

Propionic Acid, Calcium Propionate, and Sodium Propionate; Proposed Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that propionic acid, calcium

propionate, and sodium propionate are generally recognized as safe (GRAS) as direct human food ingredients. The safety of these ingredients has been evaluated under a comprehensive safety review conducted by the agency. A proposal to remove thiodipropionic acid and dilauryl thiodipropionate from the list of GRAS food ingredients appears elsewhere in this issue of the **Federal Register.**

DATE: Comments by October 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Vivian Prunier, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204; 202–426–5487.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of propionic acid, calcium propionate, and sodium propionate has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of these ingredients.

Propionic acid (CH_3CH_2COOH) occurs naturally as propionyl Coenzyme A which is an intermediate in the metabolism of odd-chain fatty acids, methionine, and isoleucine. Many dairy products contain propionic acid as a naturally occurring component. It is part of the aroma of butter and cheese and may constitute as much as 1 percent of Swiss cheese.

Propionic acid is commercially produced by chemical synthesis or, to a lesser extent, by bacterial fermentation. Propionic acid is a liquid that has a strong odor and is mildly corrosive. Therefore, the sodium and calcium salts, which are white, free-flowing, and readily soluble powders, are more extensively used in the food industry. Propionic acid and its calcium and sodium salts are chemical preservatives. The propionates are used as antimicrobial agents in cheese and inhibit the growth of *Bacillus mesentericus,* which causes "rope" (slime formation) in breads. They are active against fungi but not against yeasts.

A regulation published in the **Federal Register** of November 20, 1959 (24 FR 9368) listed the propionates as GRAS for direct food use as chemical preservatives. Propionic acid is now listed for this use in § 182.3081 (21 CFR 182.3081), calcium propionate in § 182.3221 (21 CFR 182.3221), and sodium propionate in § 182.3784 (21 CFR 182.3784).

A regulation published in the **Federal Register** of June 17, 1961 (26 FR 5421) listed propionic acid as GRAS for use in paper and paperboard food packaging in § 182.90 (21 CFR 182.90). Calcium propionate and sodium propionate are listed in § 181.23 (21 CFR 181.23) as prior-sanctioned substances for use as antimycotics in food packaging. The U.S. Department of Agriculture permits the use of calcium and sodium propionates as antimycotics in pizza crust (9 CFR 318.7). The indirect use of calcium and sodium propionates is provided for in § 179.45 *Packaging materials for use during the irradiation of prepackaged foods* (21 CFR 179.45). The standards of identity for certain cheeses permit the use of calcium and sodium propionates as optional ingredients (21 CFR Part 133).

In 1971, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which propionic acid and calcium and sodium propionates were used and the levels of usage. NAS/NRC combined this manufacturing information with information on consumer consumption of foods to obtain an estimate of consumer exposure to these ingredients. Based on the NAS/NRC survey, FDA estimates the approximate 1970 poundage of propionic acid and propionates used in foods in the United States to be: propionic acid, 52,000 pounds; calcium propionate, 6.5 million pounds; and sodium propionate, 2.6 million pounds. The actual poundage of propionic acid and propionates used in foods may have been somewhat higher because commercial baking is done in small or medium-sized firms was not extensively covered by the NAS/NRC survey.

Propionic acid and calcium and sodium propionates were the subjects of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 564 abstracts on the propionates was reviewed, and 52 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

Information from the scientific literature review and other sources has been summarized in a report to FDA by the Select Committee on GRAS Substances (Select Committee), which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). The members of the Select Committee have evaluated all available safety information on propionic acid and the propionates.[1] In the Select Committee's opinion:

Propionic acid occurs naturally in various foods including butter and cheese. Its absorption and metabolism are demonstrated in experimental animals and humans where it is a normal intermediary metabolite. As incorporated in foods as its sodium or calcium salt or as the free acid, propionic acid does not occur at the concentrations or under the conditions that are necessary to produce signs of mucosal damage in experimental animals.

Propionic acid, sodium propionate, and calcium propionate have demonstrated low acute toxicity after oral administration to mice or rats. The adverse effects observed in chicken embryos occurred only after injection of large amounts of calcium propionate or sodium propionate into the yolk sac, and the reversions observed in a host-mediated assay of calcium propionate were unrelated to dose. These results in chicken embryos and the host-mediated assay must be viewed in the light of other microbial assays and animal studies that demonstrate no adverse effects and the fact that propionate is a normal intermediary metabolite.

Microbial assays for mutagenicity of propionic acid and calcium and sodium propionate were negative. Investigations of the teratogenicity of calcium propionate in four mammalian systems also were negative. Short-term feeding tests show the most sensitive animals tested, young and vitamin B_{12}-deficient animals, experience adverse effects on weight gain only when propionate intakes are many orders of magnitude greater than the estimate of human dietary intake of propionate used as a food ingredient, about 1 mg per kg per day. Long-term feeding studies of propionic acid and calcium propionate

[1] "Evaluation of the Health Aspects of Propionic Acid, Calcium propionate, Sodium Propionate, Dilauryl Thiodipropionate, and Thiodipropionic Acid as Food Ingredients," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1979, pp. 7–12. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it represents a significant savings to the agency in publication costs, FDA has decided to discontinue presenting the discussion in the preamble to proposals that affirm GRAS status in accordance with current good manufacturing practice.

have not been reported. However, a long-term feeding study of sodium propionate showed no adverse effects in rats.[2]

The Select Committee concludes that there is no evidence in the available information on propionic acid, calcium propionate, or sodium propionate that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when these substances are used at levels that are now current or that might reasonably be expected in the future.[3]

FDA has undertaken its own evaluation of all available information on food uses of propionic acid, calcium propionate and sodium propionate and concurs with the conclusion of the Select Committee that this substance is GRAS. The agency concludes that no change in the current GRAS status of these substances is justified. Therefore, the agency proposes that propionic acid, calcium propionate and sodium propionate be affirmed as GRAS.

In the past, when a substance was listed in Part 182 (21 CFR Part 182) as GRAS for both direct and indirect uses, FDA has proposed separate GRAS affirmation regulations in Parts 184 and 186 (21 CFR Parts 184 and 186) to govern its direct and indirect GRAS uses, respectively. Under § 184.1(a) (21 CFR 184.1(a)), however, ingredients affirmed as GRAS for direct food use in Part 184 are considered to be GRAS for indirect uses without a separate listing in Part 186. Based on § 184.1(a), FDA has reconsidered its traditional practice and has concluded that the duplicative listing in Part 186 is unnecessary, as a general rule, and may cause confusion. Thus, unless safety considerations make it necessary to impose specific purity specifications or other restrictions on the indirect use of a GRAS substance, FDA will no longer list in Part 186 substances that are affirmed as GRAS for direct use in Part 184. In keeping with this change in policy, FDA is not proposing a separate listing in Part 186 for the indirect use of propionic acid. The indirect use of propionic acid would be authorized under §§ 184.1(a) and 184.1081.

In the case of propionic acid, FDA believes that the general requirements that indirect GRAS ingredients be of a purity suitable for its intended use in accordance with § 170.30(h)(1) (21 CFR 170.30(h)(1)) and used in accordance with current good manufacturing practice are sufficient to ensure the safe use of this ingredient. Therefore, the agency has not proposed any specific purity specifications for its indirect use.

[2] *Ibid.*, p. 13.
[3] *Ibid.*

Although the policies discussed in the two preceding paragraphs are not inconsistent with FDA's current regulations, the agency published a proposal in the **Federal Register** of June 25, 1982 (47 FR 27817) to amend its procedural regulations in Parts 184 and 186 to reflect clearly these policies.

Additionally, FDA is proposing not to include in the GRAS affirmation regulation for propionic acid the food categories and the levels of use reported in the NAS/NRC 1971 survey for this ingredient. Nor is FDA proposing to include the levels of use in the GRAS affirmation regulation for calcium propionate and sodium propionate. Both FASEB and the agency have concluded that a large margin of safety exists for the use of these substances, and that a reasonably foreseeable increase in the level of consumption of propionic acid, calcium propionate and sodium propionate will not adversely affect human health. Therefore, the agency is proposing to affirm the GRAS status of propionic acid, calcium propionate and sodium propionate when they are used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)). To make clear, however, that the affirmation of the GRAS status of calcium propionate and sodium propionate is based on the evaluation of their use in a limited number of food categories, FDA is including in the proposed regulation the technical effects and food categories which were evaluated.

In the future, FDA will propose to adopt a general policy restricting the circumstances in which it will specifically describe conditions of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.1(b)(1). The agency intends to amend its regulations to indicate clearly that it will specify one or more of the current good manufacturing practice conditions of use in regulations for substances affirmed as GRAS with no limitations other than current good manufacturing practice only when the agency determines that it is appropriate to do so.

Copies of the scientific literature review on propionates and thiodipropionates, teratogenic evaluation of calcium propionate, mutagenic evaluations of propionic acid, calcium propionate, and sodium propionate, and the report of the Select Committee are available for review at the Dockets Management Branch (address above), and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price [1]
Propionates and thiodipropionates (scientific literature review).	PB228-538/AS	A05	$8.00
Propionates and thiodipropionates (Select Committee report).	PB80-104599	A03	6.00
Calcium propionate (tier I mutagenic evaluation).	PB245-439/AS	A03	6.00
Calcium propionate (host-mediated mutagenic evaluation).	PB245-448/AS	A06	9.00
Calcium propionate (teratologic evaluation).	PB221-778	A04	7.00
Propionic acid tier I (mutagenic evaluation).	PB266-897/AS	A04	7.00
Sodium propionate (tier I mutagenic evaluation).	PB266-900/AS	A04	7.00

[1] Price subject to change.

A proposal to remove thiodipropionic acid and dilauryl thiodipropionate from the list of GRAS food ingredients appears elsewhere in this issue of the **Federal Register.**

This proposal does not affect the current uses of propionic acid and propionates in pet food or animal feed.

The format of the proposed regulations is different from that in previous GRAS affirmation regulations. FDA has modified paragraph (c) of §§ 184.1081, 184.1221, and 184.1784 to make clear the agency's determination that GRAS affirmation is based upon current good manufacturing practice conditions of use, including both the technical effects and food categories listed. This change has no substantive effect but is made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substances covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and

the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. Part 182 is amended:

§ 182.90 [Amended]

a. In § 182.90 *Substances migrating to food from paper and paperboard products*, by removing the listing for "Propionic acid."

§ 182.3081 [Removed]

b. By removing § 182.3081 *Propionic acid.*

§ 182.3221 [Removed]

c. By removing § 182.3221 *Calcium propionate.*

§ 182.3784 [Removed]

d. By removing § 182.3784 *Sodium propionate.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended:

a. By adding new § 184.1081, to read as follows:

§ 184.1081 Propionic acid.

(a) Propionic acid ($C_3H_6O_2$, CAS Reg. No. 79–09–4) is an oily liquid having a slightly pungent, rancid odor. It is miscible with water, alcohol, and various organic solvents. It is manufactured by chemical synthesis or by bacterial fermentation.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 254, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter and flavoring agent as defined in § 170.3(o)(12) of this chapter.

(2) The ingredient is used in foods at levels not to exceed current good manufacturing practice.

b. By adding new § 184.1221, to read as follows:

§ 184.1221 Calcium propionate.

(a) Calcium propionate ($C_6H_{10}CaO_4$, CAS Reg. No. 4075–81–4) is the calcium salt of propionic acid. It occurs as white crystals or a crystalline solid, possessing not more than a faint odor of propionic acid. It is prepared by neutralizing propionic acid with calcium hydroxide.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 60, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter.

(2) The ingredient is used in the following foods at levels not to exceed current good manufacturing practice: Baked goods as defined in § 170.3(n)(1) of this chapter and cheeses as defined in § 170.3(n)(5) of this chapter.

c. By adding new § 184.1784, to read as follows:

§ 184.1784 Sodium propionate.

(a) Sodium propionate ($C_3H_5NaO_2$, CAS Reg. No. 137–40–6) is the sodium salt of propionic acid. It occurs as colorless, transparent crystals or a granular crystalline powder. It is odorless, or has a faint acetic-butyric acid odor and is deliquescent. It is prepared by neutralizing propionic acid with sodium hydroxide.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 296, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter and flavoring agent as defined in § 170.3(o)(12) of this chapter.

(2) The ingredient is used in the following foods at levels not to exceed current good manufacturing practice: baked goods as defined in § 170.3(n)(1) of this chapter; nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter; cheeses as defined in § 170.3(n)(5) of this chapter; confections and frostings as defined in § 170.3(n)(9) of this chapter; gelatins and puddings as defined in § 170.3(n)(22) of this chapter; meat products as defined in § 170.3(n)(29) of this chapter; and soft candy as defined in § 170.3(n)(38) of this chapter.

The agency is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before October 12, 1982, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments

are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 27, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-21971 Filed 8-12-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 182 and 184

[Docket No. 80N-0147]

Urea; Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that urea is generally recognized as safe (GRAS) as a direct human food ingredient. The safety of this ingredient has been evaluated under the comprehensive safety review conducted by the agency.

DATE: Comments by October 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Robert L. Martin, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204; 202-426-8950.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of urea has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of this ingredient.

Urea is a white, odorless, somewhat hygroscopic crystalline solid. On standing, it may gradually develop a slight ammoniacal odor. It is highly soluble in water, glycerol, and hot alcohol, but it is almost insoluble in chloroform and ether.

In several opinion letters, FDA has stated that urea is GRAS for use in vitamin and mineral preparations, as a dietary supplement in sirups used for flavoring milk, in chewing gum, as a marker in whiskey, and as a solubilizing agent for riboflavin. Urea is listed in 21 CFR 182.70 as GRAS for use in the manufacture of cotton and cotton fabrics used for dry food packaging, under a regulation published in the **Federal Register** of June 10, 1961 (26 FR 5224). It also is listed as GRAS in 21 CFR 182.90 for use in the manufacture of paper and paperboard products, under a regulation published in the **Federal Register** of June 17, 1961 (26 FR 5421).

Urea is listed as a regulated food additive in 21 CFR 175.300 as a component of side-seam cement for food containers, in 21 CFR 176.320 as a plasticizer in glassine and grease-proof paper for packaging dry foods, and in 21 CFR 177.1200 as a component of cellophane for food packaging. Urea is used to facilitate fermentation in wine under a regulation issued by the Treasury Department, Bureau of Alcohol, Tobacco and Firearms (BATF) (27 CFR 240.1051).

In 1971, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which urea is used and the levels of usage. No data were available on the intake of urea resulting for its addition to food. Approximately 4.2 millin tons of urea were produced and imported in the United States in 1973, the latest date for which complete data are available. The Select Committee on GRAS Substances (the Select Committee) estimates that about 90 percent of that amount was used as animal feed supplements and fertilizer. Therefore, no more than 400,000 tons of urea were available for use in food.

Urea has been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 5,299 abstracts was reviewed, and 53 particularly pertinent reports have been summarized in a scientific literature review.

Information from the scientific literature review has been summarized in a report to FDA by the Select Committee, which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). The members of the Select Committee have evaluated all the available safety information on urea.[1] In the Select Committee's opinion:

> Urea is a normal body constituent and is constantly being produced during amino acid and protein metabolism. It is a natural constituent in commonly consumed foods. Several grams per kilogram body weight can be ingested by nonruminants, including man, without untoward effects. Most of the nitrogen consumed in food is excreted in the form of urea. A 70 kg individual consuming a normal diet will excrete an average of 25 g urea daily. While urea appears to be teratogenic in chick and frog embryos, no teratogenic effects were observed after ingestion of large doses of urea by pregnant rats and cows.
>
> If all urea not use in animal feed and fertilizer were utilized in human food, it would amount to about 5 g per capita daily. However, it is known that the majority of this urea is used for the production of urea-formaldehyde resins and other non-food uses. Therefore, the per capita intake of urea as a direct or indirect food ingredient is much less that 5 g daily.[2]

The Select Committee concludes that no evidence in the available information on urea demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.[3]

FDA has undertaken its own evaluation of the available information on urea and concurs with the conclusion of the Select Committee that this substance is GRAS. The agency concludes that no change in the current GRAS status of this ingredient is justified. Therefore, the agency proposes that urea be reaffirmed as GRAS.

FDA has previously issued opinion letters regarding direct food ingredient uses of urea. Recent inquiries to manufacturers did not reveal any current use of urea as a direct food ingredient; however, BATF confirmed that urea is currently used as a fermentation aid in the production of wines. The BATF regulation of this use declares that urea is GRAS. In view of the decision by the Select Committee and the current use of urea in wine

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[1] "Evaluation of the Health Aspects of Urea as a Food Ingredient," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1980, p. 5-10. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, becaue the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it represents a significant savings to the agency in publication costs, FDA has decided to discontinue presenting the discussion in the preamble to proposals that affirm GRAS status in accordance with current good manufacturing practice.

[2] Ibid., p. 11.

[3] Ibid., p. 11.

making, the agency proposes to affirm urea as GRAS for this use.

In the past, when a substance has been listed in Part 182 (21 CFR Part 182) as GRAS for both direct and indirect uses, FDA has proposed separate GRAS affirmation regulations in Parts 184 and 186 (21 CFR Parts 184 and 186) to govern its direct and indirect GRAS uses, respectively. Under § 184.1(a) (21 CFR 184.1(a)), however, ingredients affirmed as GRAS for direct food use in Part 184 are considered to be GRAS for indirect uses without a separate listing in Part 186. Based on § 184.1(a), FDA has reconsidered its traditional practice and has concluded that the duplicative listing in Part 186 is unnecessary, as a general rule, and may cause confusion. Thus, unless safety considerations make it necessary to impose specific purity specifications or other restrictions on the indirect use of a GRAS substance, FDA will no longer list in Part 186 substances that are affirmed as GRAS for direct use in Part 184. In keeping with this change in policy, FDA is not proposing a separate listing in Part 186 for the indirect uses of urea. The indirect uses of urea would be authorized under §§ 184.1(a) and 184.1923.

In the case of urea, FDA believes that the general requirements that indirect GRAS ingredients be of a purity suitable for their intended use in accordance with § 170.30(h)(1) (21 CFR 170.30(h)(1)) and used in accordance with current good manufacturing practice are sufficient to ensure the safe use of this ingredient. Therefore, the agency has not proposed any specific purity specifications for its indirect use.

Although the policies discussed in the two preceding paragraphs are not inconsistent with FDA's current regulations, FDA published a proposal in the **Federal Register** of June 25, 1982 (47 FR 27817) to amend its procedural regulations in Parts 184 and 1986 to reflect clearly these policies.

Because no food-grade specifications exist for urea at the present time, the agency will work with the Committee on Codex Specifications of the National Academy of Sciences to develop acceptable specifications for urea as a direct human food ingredient. If acceptable specifications are developed, the agency will incorporate them into this regulation at a later date. Until specifications are developed, FDA has determined that the public health will be adequately protected if urea complies with the description in this proposed regulation and is of food-grade purity (21 CFR 182.1(b)(3) and 170.30(h)(1)).

Additionally, FDA is proposing not to include in the GRAS affirmation regulation for urea a level of use for this ingredient as a fermentation aid. Both FASEB and the agency have concluded that a large margin of safety exists for urea, and that a reasonably foreseeable increase in the level of consumption of this ingredient will not affect human health. This conclusion is based on the fact that the Select Committee found that urea has a low order of toxicity, that it naturally occurs in animals and humans, and that it is added to only a limited number of foods, if any. Therefore, the agency is proposing to affirm the GRAS status of urea when it is used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)). To make clear, however, that the affirmation of the GRAS status of urea is based on the evaluation of limited uses, the proposed regulation sets forth the technical effect and food category that FDA evaluated.

In the future, FDA will propose to adopt a general policy restricting the circumstances in which it will specifically describe conditions of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.1(b)(1). The agency intends to amend its regulations to indicate clearly that it will specify one or more of the current good manufacturing practice conditions of use in regulations for substances affirmed as GRAS with no limitations other than current good manufacturing practice only when the agency determines that it is appropriate to do so.

Copies of the scientific literature review on urea and the report of the Select Committee are available for review at the Dockets Management Branch (address above), and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price [1]
Urea (scientific literature review).	PB241-971/AS	A10	$13.00
Urea (Select Committee report).	PB288-673/AS	A02	5.00

[1] Price subject to change.

This proposed action does not affect the current use of urea in pet food or animal feed.

The format of the proposed regulation is different from that in previous GRAS affirmation regulations. FDA has modified paragraph (c) of § 184.1923 to make clear the agency's determination that GRAS affirmation is based upon current good manufacturing practice conditions of use, including both the technical effect and food category listed. This change has no substantive effect but is made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substance covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. Part 182 is amended:

§ 182.70 [Amended]

a. In § 182.70 *Substances migrating from cotton and cotton fabrics used in dry food packaging,* by removing the entry for "Urea."

§ 182.90 [Amended]

b. In § 182.90 *Substances migrating to food from paper and paperboard products,* by removing the entry for "Urea."

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended by adding new § 184.1923 to read as follows:

§ 184.1923 Urea.

(a) Urea ($CO(NH_2)_2$, CAS Reg. NO. 57–13–6) is the diamide of carbonic acid and is also called carbamide. It is a white, odorless, crystalline solid and is commonly produced from CO_2 by ammonolysis or from cyanamide by hydroloysis.

(b) FDA is developing food-grade specifications for urea in cooperation with the National Academy of Sciences. In the interim, the ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a fermentation aid in the production of alcoholic beverages.

(2) The ingredient is used in alcoholic beverages as defined in § 170.3(n)(2) of this chapter.

The agency is unaware of any prior sanction for the use of this ingredient in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before October 12, 1982, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 27, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–21973 Filed 8–12–82; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 344

Topical Otic Drug Products for Over-the-Counter Human Use; Tentative Final Monograph

Correction

In FR Doc. 82–18451 appearing on page 30012 in the issue for Friday, July 9, 1982, make the following changes:

1. On page 30014, first column, second full paragraph, eighth line, "6" should read "5".

2. On page 30015, first column, eight lines from the top, "specific" should read "specified".

3. On page 30016, first column, fifth full paragraph, seventh line, insert the following before "are": "statements for drugs, the signal words "warning" and 'caution' ".

4. On page 30019, first column, second line from the bottom, insert "Ed." after "7th"; third column, first full paragraph, fourth line from the bottom, insert "not" after "will".

BILLING CODE 1505–01–M

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21 CFR Part 600

[Docket No. 82N–0138]

Biological Products; Inspection Frequency of All Licensed Biological Establishments and Their Additional Location(s)

Correction

In FR Doc. 82–20477, appearing on page 32953, in the issue of Friday, July 30, 1982 make the following correction.

On page 32954, middle column, in the seventeenth, eighteenth, and twenty-seventh line of the second complete paragraph "OIA" should read "OAI".

BILLING CODE 1505–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

24 CFR Part 865

[Docket No. R–82–853]

PHA-Owned or Leased Projects; Maintenance and Operation; Tenant Allowances for Utilities

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner (HUD).

ACTION: Proposed rule.

SUMMARY: HUD proposes to revise current requirements regarding the establishment of utility allowances and surcharges for excess utility consumption applicable to dwelling units owned or leased by Public Housing Agencies (PHAs) and assisted under the United States Housing Act of 1937. This proposed rule does not apply to the Section 8 Housing Assistance Payments Program or to the Mutual Help homeownership Opportunity Program. The proposed rule is intended to promote energy conservation and to more closely approach equality between tenants with PHA-supplied and tenant-purchased utilities.

DATE: Comments due: September 27, 1982.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Charles R. Ashmore, Utilities Specialist, Office of Public Housing, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Telephone: (202) 755–6640. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

In administering the low-income public housing program under the United States Housing Act of 1937, as amended, HUD historically has considered "rent" to include shelter cost plus a reasonable amount for utilities. As a result, even prior to adoption of the "Brooke Amendent" in 1969 (limiting the amount of "rent" chargeable to public

housing tenants to a stated percentage of income, then 25 percernt), HUD provided for a system under which allowances were established as part of the rent schedule showing the amounts of electricity in kilowatt-hours to which tenants were entitled. Allowances were prescribed for PHA-furnished utilities where individual consumption was measured by checkmeters and where no checkmeters were utilized, with imposition of surcharges permitted for consumption in excess of the allowed amounts. Where individual consumption was not checkmetered, excess utility costs were prorated among all tenants, either on a per-unit basis or proportionate to individual tenant rent burden. In addition, a separate "surcharge" for specific tenant-supplied appliances was also authorized.

Similarly, where tenants purchased electricity directly from the utility, the reasonable costs of electricity in dollars were permitted to be deducted from the gross rents to obtain the contract rents actually paid to the PHA by tenants.

Before 1980, HUD's guidelines for the setting of utility allowances were contained in a HUD Local Housing Authority Management Handbook last revised in 1963. However, the practice permitted by the Handbook of imposing surcharges for excess consumption in the absence of individual checkmetering had been disfavored by 1974 and its prohibition confirmed by adoption in 1975 or 24 CFR 866.4(b), providing that "imposition of charges for consumption of excess utilitities is permissible only if such charges are determined by an individual checkmeter servicing the leased unit or result from the use of major tenant-supplied appliances."

In January 1979, the Department published a proposed rule which would replace its previously published nonmandatory guidelines by establishing a uniform procedure for determining the amount of utility allowances and surcharges (44 FR 1600). During the period for public comments, which was once extended (44 FR 22472), the Department received 202 comments. Concluding that "in light of the sharply differing objections to the most basic features of the proposed rule [expressed by public housing agencies and by organizations representing tenants' interests] * * * the proposed rule would be considered unacceptable by either group, that it would increase rather than alleviate controversy," the Department on September 8, 1980, withdrew the proposed rule and published an interim rule (45 FR 59502) which PHAs were required to implement by February 1981. However, the interim rule provoked no less sharp controversy than the proposed rule. Sixty-eight comments on the interim rule were received, including 55 from PHAs and 13 from tenant representatives. As previously, tenant representatives complained that the specified standards set allowances at too low levels, while PHAs contended that the allowance system contained no incentives toward energy conservation and resulted in severe revenue losses to PHAs.

On August 12, 1981, the Presidential task force on Regulatory Relief, chaired by Vice President Bush, designated the interim rule for review under Executive Order 12291. In its announcement, the Task Force commented:

> "Under current rules, many tenants in public housing projects have no incentive to economize on utility use. Excessive utility use increases costs to both the federal government and local public housing authoritites (PHAs). As a result, PHAs may be forced to reduce other tenant services in order to cover costs. In effect, this system penalizes conservation-minded tenants and wastes energy."

In this rulemaking proceeding, the Department proposes a revision which would replace the existing interim rule. Notwithstanding the severe criticism made of the interim rule and the adverse consequences of its continuance in effect the Department believes it preferable not to mandate revisions of the existing system until both affected tenants and PHAs required to administer the system are permitted an opportunity to comment on the proposed revision. In order to facilitate promulgation of a final rule prior to the next heating season, however, the Department will limit the period for receipt of public comments to 45 days following publication of this proposal.

Standards

As noted above, the Department historically has considered "rent" under the public housing program to include both shelter cost and a reasonable amount for utilities. In the current public housing program regulation, "contract rent" is defined as the rent charged a tenant for the use of the dwelling accommodations and equipment, services, "and reasonable amounts of utilities determined in accordance with the PHA's schedule of allowances for utilities supplied by the project" (§ 860.403(a)). The general standard of "reasonable amounts of utilities" predated the Brooke Amendment and has not been questioned subsequently. The controversy generated by the proposed rule published in January 1979 and the interim rule now in effect has centered on the manner in which the Department has directed PHAs to achieve this standard.

While the general standard of "reasonable" consumption is applicable both to PHA-furnished and tenant-purchased utilities, a divergence has existed historically in the Department's approach to determining that amount in each case. In the case of tenant-purchased utilities, the Department's recommended method of establishing allowances under the 1963 guidelines was to use average actual cost of utilities for tenants in the covered project. (This same method has been carried forward without substantial change in the 1979 proposed rule and in the September 1980 interim rule.) In the case of PHA-furnished utilities, however, a more lenient standard of average cost plus 20% was recommended. The rationale for the difference was based largely upon a pragmatic objective "to prevent surcharging too many tenants. Otherwise, if the allowances are set at the average number of kilowatt-hours for the group, approximately one-half the tenants will be surcharged" (Local Housing Authority Management Handbook, Part II, Section 9, page 14 (1963)). Of course, the same effect, in terms of the proportion of tenants who would absorb excess utility costs, resulted from the setting of allowances for tenant-purchased utilities at average cost. Apparently, however, HUD felt the avoidance of this result less necessary where the excess was paid to the utility than where it was being collected through an additional billing by the PHA. Moreover, the setting of allowances for PHA-furnished utilities was recommended at a level above average consumption notwithstanding evidence that where tenants did not pay their entire utility bill directly but only a relatively small surcharge on excess consumption, average consumption was considerably higher than where tenants must make direct payment to the utility for 100 percent of their consumption.[1] Thus, tenants in PHA-furnished projects received a double advantage: their average consumption was higher than that of direct-purchasing tenants to

[1] Similar evidence prompted Congress, in Section 113 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 2623), to require each state regulatory authority and nonregulated utility to consider the adoption of standards prohibiting master-metering in new buildings. A Senate Committee found: "Studies have shown that tenants of master-metered buildings use an average 35 percent more electricity than tenants in individually-metered buildings." S. Rep. No. 95-442, at 31. See *Federal Energy Regulatory Commission* v. *Mississippi*, 50 U.S. Law Week 4566, 4567 n. 9 (U.S. Sup. Ct. June 1, 1982).

begin with, and an additional allowance of 20% on top of the average was permitted. The higher master-metered consumption was accepted, however, because of the offsetting cost advantage of high volume master-meter utility rates.

The foregoing approach to allowances was adopted in an earlier era, before the explosion in utility costs occurring in the 1970's. By the time of publication of the proposed rule in January 1979, different imperatives had been recognized. Accordingly, the Department proposed that allowances for PHA-furnished utilities be based on actual consumption data for each project, both to promote energy conservation and to more closely approach equality between tenants with PHA-supplied and tenant-purchased utilities. However, a "free zone" of 15 percent above the allowance would be permitted before surcharging, with surcharges limited to an amount equal to one-third of the tenant's gross rent, and "energy saving credits" would be applied to rents of tenants whose measured consumption was more than 15 percent below the allowance. In explaining its proposal, the Department stated:

"* * * In view of the national concerns about energy conservation, HUD believes that this approach will encourage more tenants to use energy responsibly and would generally be a more effective energy convservation measure * * *.

"In arriving at this conclusion HUD is relying heavily upon experience, supported by utility company data, indicating that projects with tenant furnishing utilities consume up to 10 percent less than similar projects with checkmetered, project furnished utilities. Further, actual projects that have been changed to retail service from mastermetering have registered up to 35 percent reductions in electrical consumption. The results of a study by the Federal Energy Administration, 'Energy Conservation Implication of Mastermetering,' October 1975, also support the concept that significant energy conservation is achieved when all tenants are directly affected * * *.

"The use of average consumption for project-furnished utilities also is consistent with the specified level of allowances set by HUD for tenant-furnished utilities (i.e., direct retail service). This level of allowances for tenant-furnished utilities is necessary in order to avoid providing larger aggregate allowances for utilities than the amounts tenants in projects with tenant-furnished facilities are paying to utility companies. Equity as to gross rents paid under the two utility supply situations is a goal in setting these rates, and HUD believes that goal should be attained through extension of the allowance level applicable in tenant-supplied projects to those which are checkmetered * * *." (44 FR 1600)

As noted above, 202 comments on the proposed rule were received. Both PHAs and tenant groups objected to the "average" standard for PHA-furnished utilities: PHAs because reliance on actual consumption encouraged energy waste, and tenant groups because the standard exposed too many tenants to surcharges. PHAs also objected to the 15 percent "free zone" before surcharging as being unnecessary, wasteful of energy, and negating the value of checkmeters. Tenant groups argued that the free zone was inadequate and that it should be anywhere from 20 to 50 percent. They also argued that checkmetering was not as effective a conservation method as HUD maintained and should be suspended until all other energy conservation improvements have been made.

Because of the severity of the criticism of the proposed rule, it was withdrawn. Finding, however, that "a continuation of the existing situation, in which there are no mandatory Federal standards, leaving the establishment of Allowances entirely to local discretion, is even less acceptable in terms of the best interests of the program," the Department promulgated an interim rule described as "based on the general concepts of the [1963] HUD Guide." The interim rule was made effective 30 days after publication (the minimum period permitted without waiver under section 7(o) of the Department of HUD Act) but public comment was invited.

In purporting to reflect the principles of the HUD Guide, the Department placed greatest emphasis on the pre-energy crisis objective of avoiding surcharging too many tenants. In explaining the interim rule's standard for setting allowances for PHA-furnished utilities, the Department stated:

"* * * There has been some misunderstanding of the Guide because of the statement therein that the Allowance should normally be set at about 20 percent more than the average for the particular group. However, the HUD Guide also states that the Allowance shall be sufficient to permit the great majority of tenants to use the utility without surcharge, and that if experience shows that more than 25 percent of tenants are being surcharged the Allowance should be reviewed and revised so that about 10 percent of the tenants will be surcharged. To carry out the basic plan of the HUD Guide, the interim rule provides that the Allowances should be set at the level at which 90 percent of the tenants will be covered without being surcharged. Before applying the 90 percent standard, the PHA will exclude from consideration any unusually high instances of consumption that appear to be due to abuse or wasteful practices. Revisions will not be made until the number of surcharge cases reaches 25 percent at which time the Allowance will be adjusted on the basis of the 90 percent standard" (45 FR 59504).

These provisions of the interim rule attracted even sharper criticism from PHA's than the proposed rule. As noted above, PHA's had argued that the provisions of the proposed rule requiring that allowances for PHA-furnished utilities be based on average actual consumption encouraged energy waste. To this inherent bias of use of actual costs toward holding tenants harmless from wasteful consumption the Department had now added a mandate that PHA's keep apace with increasing consumption by increasing the allowances if the number of tenants exposed to surcharges increased to 25 percent.

Upon reexamination, the Department believes that the objective of energy conservation is thwarted by a system which requires that allowances be set at actual consumption levels, with mandated allowance increases as consumption increases, particularly where both the opportunity for financial saving and the financial penalty for excess consumption is less direct and immediate for the tenant as it is in the PHA-furnished context in comparison to the tenant-purchased utilities context. In addition, the Department believes that the pragmatic objective of avoiding the surcharging of too many tenants by PHA's is outweighed by the inequity which results from requiring more generous allowances for tenants in PHA-furnished projects than the allowances provided for direct-purchasing tenants. The Department therefore proposes a single general standard of "reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment," which would govern allowances for both PHA-furnished and tenant-purchased utilities. "Stated another way," the proposed rule continues, "it should be an objective of the Allowance that excess consumption which may result in a surcharge (or absorption of utility cost in excess of the Allowance) should be an amount of consumption that is reasonably within the control of a tenant household to avoid" (§ 865.476(a)).

Experience with the proposed and interim rules and consideration of comments received from the public agencies required to administer them have persuaded the Department that it is inadvisable as a practical matter, as

well as inconsistent with the general imperative of the United States Housing Act of 1937, to "vest in local public housing agencies the maximum amount of responsibility in the administration of their housing program," to attempt to prescribe more restrictively the means by which individual PHAs must realize the general standards for allowances described above. There are more than 2,750 PHAs in the United States, located in different climates, having housing stock and appliances and equipment of widely varying characteristics. Data regarding energy consumption patterns, both within the public housing population and in the broader area or regional populations, that are available from utility companies in large urbanized areas are likely to be vastly different from the type and extent of data available to small authorities in rural areas. (Separate difficulties arise in the areas of tenant-purchased utilities, where obtaining consumption data for a three-year period is complicated both by Privacy Act constraints on disclosure by utility companies, unlikelihood that tenants will preserve back bills for such periods, and tenant turnover.) Also, it is not the Department's intent to increase disproportionately the administrative costs and burdens of small housing authorities in order to seek unrealistic degrees of scientific perfection in allowances.

Accordingly, the proposed rule would recognize that "the complexity and elaborateness of the methods chosen by the PHA, in its discretion, to achieve the (general objectives described above) will be dependent upon the data available to the PHA and the extent of the administrative resources reasonably available to the PHA to be devoted to the collection of such data, the formulation of methods of calculation, and actual calculation and monitoring of the allowances" (§ 865.476(b)). The proposed rule enumerates certain types of "recommended sources of data for determining reasonable consumption levels," which include both data regarding actual consumption experience in public housing units and data regarding private sector consumption (see proposed § 865.476(b)). PHA's are also directed to take into account "relevant factors affecting consumption requirements", including the climatic location and size of dwelling units and "the energy efficiency of PHA-supplied appliances and equipment" (§ 865.476(c)). It is not intended that PHAs will establish allowances based solely on private housing sector consumption if PHA-supplied appliances and equipment are demonstrably different in energy requirements.

It is not intended that PHAs would be prohibited by the proposed rule from basing utility allowances on average actual consumption. In the case of tenant-purchased utilities in particular, a PHA may conclude that the savings incentive (and waste penalty) inherent in direct payment of utility bills makes actual consumption experience the most reliable indicator of reasonable consumption that is available to it. In such circumstances, however, the Department believes that it may be difficult to justify a markedly different allowance level for PHA-furnished utilities.

Consistent with the broad administrative latitude recognized by the provisions described above, the proposed rule would also provide that "the PHA's determination of Allowances and revisions thereof shall be final and valid as to tenants unless found, upon review pursuant to such procedures as may be available under State or local law, to be arbitrary or capicious" (§ 865.476(d)). The "procedures * * * available under State or local law" referred to are the general procedural provisions for review of administrative actions by agencies created under State law. Comment is particularly invited as to the appropriateness of this provision.

Review and Revision

Under the interim rule, PHAs are required to review allowances for PHA-furnished utilities quarterly and to make revisions if the percentage of surcharge cases is 25% or more and there is no change of a non-recurring nature to account for this. In the case of tenant-purchased utilities, review and revision is required (i) upon occurrence of a rate change which, together with other prior changes not adjusted for, results in a change of 10% or more, (ii) upon a change of circumstances indicating probability of a significant change in average consumption levels, and (iii) in any event once every three years.

Under the proposed rule, there would be no review and revision requirement based upon the number or percentage of tenants being surcharged. Section 865.478(a) would require annual review of allowances and revision "if reasonably required in order to continue adherence to the standards" stated in § 865.476. The annual review would include consideration of changes in circumstances indicating probability of a significant change in reasonable consumption requirements, including, specifically, completion of comprehensive or Special Purpose Modernization under the Comprehensive Improvement Assistance Program, and changes in utility rates. In addition, revision is required for rate changes amounting to 20% or more occurring between annual reviews (§ 865.478(b)). Thus, there would be no difference in review requirements between Allowances for Tenant-Purchased Utilities and for PHA-Furnished Utilities. While Modernization is not referred to as an event requiring revision of Utility Allowances, the realized or anticipated results of Modernization must be taken into account in the PHA's annual review.

Individual Relief

The interim rule prescribes certain exclusive gounds for individual relief which PHA's are directed to investigate and audit, with "appropriate relief * * * in accordance with the findings of the PHA" mandated. The proposed rule is less specific and narrow as to the grounds upon which relief may be granted; it would authorize relief "on such reasonable grounds, such as special needs of elderly, ill or handicapped tenants, or special factors affecting utility usage not within the control of the tenant, as the PHA shall deem appropriate" (§ 865.479). The failure of the interim rule to permit specific consideration of the special needs of elderly, handicapped or infirm tenants was a subject of criticism by several commentors representing tenant interests. The Department believes that permitting consideration of such special needs is appropriate, and would expect that the degree or extent to which PHAs may elect to provide relief on such grounds will bear a relationship to the extent to which consumption requirements of such groups may already have been factored into the calculation of the basic allowances. The proposed rule would require the PHA's criteria for granting individual relief and procedures for requesting it to be adopted at the time the PHA adopts methods and procedures for determining utility allowances.

Other Matters

The Department has determined that this proposed rule does not constitute a "major rule" as defined in Executive Order 12291. Analysis of the proposed rule indicates that it will not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government

agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because of the latitude given to PHAs in implementing this proposed rule as well as the unavailability to HUD of precise data regarding the incidence of surcharges for excess consumption, or absorption of direct-purchase utility costs in excess of allowances, in different localities under current circumstances, it is difficult to quantify potential cost increases for tenants who may be subjected to greater surcharges for excess consumption as a result of the proposed rule. However, the Department estimates that not more than approximately 500,000 public housing units are now either individually metered or check-metered, with approximately equal numbers of each. There is no basis for assuming that the amount of utility charges in excess of allowances that will be absorbed by direct-purchasing tenants would be measurably greater under the proposed rule than under the current interim rule. It is perhaps reasonable to assume that the number of tenant families in check-metered units who will be subjected to surcharges for excess consumption may increase from between 10 percent and 25 percent of such tenants to approximately 50 percent. On this assumption, perhaps approximately 75,000 additional units will be affected. However, if average surcharges would be $100 per year, the additional cost for such units would be less than $10 million per year. More importantly, because the amount of surcharges is directly related to consumption levels, it can be expected that tenants generally will respond by increasing energy conservation, as evidence indicates is the case with tenants currently paying their own utilities, so that the dollar impact in terms of additional tenant cost may reduce after initial impact.

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

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities, for the reasons stated in the discussion set forth above relating to potential cost increases for tenants.

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

The Catalog of Federal Domestic Assistance program number and title are 14.146, Low-Income Housing—Assistance Program (Public Housing).

List of Subjects in 24 CFR Part 865

Energy conservation, Public housing, Utilities.

Accordingly, 24 CFR Part 865 is proposed to be amended as follows:

PART 865—PHA-OWNED OR LEASED PROJECTS—MAINTENANCE AND OPERATION

1. The authority citation for Part 865 reads as follows:

Authority: Secs. 2, 3, 6, 9, United States Housing Act of 1937 (42 U.S.C. 3535(d)), unless otherwise noted.

2. The subpart heading of Subpart D is revised to read as follows:

Subpart D—Individual Metering of Utilities for Existing PHA-Owned Projects

3. The undesignated heading following the subpart heading of Subpart D is removed.

4. In Subpart D, the undesignated heading following § 865.410, and §§ 865.470–865.482, are removed.

5. Subpart E, §§ 865.501–865.504, is redesignated as Subpart F—Modernization of Oil-Fired Heating Plants.

6. A new Subpart E is added to read as follows:

* * * * *

Subpart E—Tenant Allowances for Utilities

Sec.

865.470 Purpose.
865.471 Applicability.
865.472 Definitions.
865.473 Establishment of allowances by PHAs.
865.474 Dwelling unit categories for establishment of allowances.
865.475 Period for which allowances are established.
865.476 Standards for allowances for utilities.
865.477 Surcharges for excess consumption of PHA-furnished utilities.
865.478 Review and revision of allowances.
865.479 Individual relief.
865.480 Transition provisions.

Subpart E—Tenant Allowance for Utilities

§ 865.470 Purpose.

The purpose of §§ 865.470 through 865.480 is to provide procedures for the establishment and administration by PHAs of Allowances for PHA-Furnished Utilities and Allowances for Tenant-Purchased Utilities. Allowances for PHA-Furnished Utilities represent the maximum consumption units (e.g., kilowatt hours of electricity) which may be used by a dwelling unit without a surcharge for excess consumption against the tenant. Allowances for Tenant-Purchased Utilities represent fixed dollar amounts which are deducted from the Family Gross Rent otherwise chargeable to a tenant who pays the actual Utility charges directly to the Utility suppliers, whether they be more or less than the amounts of the Allowances.

§ 865.471 Applicability.

(a) Except as provided in paragraph (b) of this section, §§ 865.470 through 865.480 apply to all dwelling units assisted under the United States Housing Act of 1937, as amended, in projects owned by or leased to PHAs and leased or subleased by PHAs to tenants, except the Section 8 Housing Assistance Payments Program and the Mutual Help Homeownership Opportunities Program.

(b) Sections 865.470 through 865.480 do not apply to dwelling units which are served by PHA-Furnished Utilities unless Checkmeters have been installed to measure the actual Utilities consumption of the individual units, except that tenants in such units shall be subject to charges for consumption of tenant-owned major appliances, or for optional functions of PHA-furnished equipment, in accordance with § 865.477(b).

§ 865.472 Definitions.

Checkmeter. A device for measuring Utility consumption of each individual dwelling unit where the Utility service is supplied through a Mastermeter System. The PHA pays the Utility supplier of the Utility service on the basis of the Mastermeter readings and uses the Checkmeters to determine whether and to what extent the Utility consumption of each dwelling unit is in excess of the Allowance for PHA-Furnished Utilities.

Family Contract Rent. The amount paid monthly by the Family as rent to the PHA. Where utilities (except telephone) and other essential housing services are supplied by the PHA,

Family Contract Rent equals Family Gross Rent. Where utilities (except telephone) and other essential housing services are not supplied by the PHA and the cost thereof are not included in the amount paid as rent to the PHA, Family Contract Rent equals Family Gross Rent less the Allowance for Tenant-Purchased Utilities.

Family Gross Rent. The rent chargeable to a tenant for the use of the dwelling accommodation, equipment (such as range and refrigerator, but not including furniture), and services, including utilities.

Mastermeter System. A Utility distribution system in which a PHA is supplied Utility service by a Utility supplier through a meter or meters and the PHA then distributes the Utility service to its tenants.

Surcharge. The amount charged by the PHA to a tenant, in addition to the Family Contract Rent, for consumption of Utilities in excess of the Allowance for PHA-Furnished Utilities or for estimated consumption attributable to items of equipment or functions thereof not furnished by the PHA for all tenants.

Utility. Electricity, gas, heating fuel, water and sewerage services, and trash and garbage collection. Telephone service is not included as a Utility.

§ 865.473 Establishment of allowances by PHAs.

PHAs shall establish (a) Allowances for PHA-Furnished Utilities for all Checkmetered Utilities and (b) Allowances for Tenant-Purchased Utilities for all Utilities purchased directly by tenants from the Utilities suppliers.

§ 865.474 Categories for establishment of allowances.

Separate allowances shall be established for each utility and for each category of dwelling units determined by the PHA to be reasonably comparable as to factors affecting utility usage. The PHA will establish Allowances for different size units, in terms of numbers of bedrooms. Other categories may be established at the discretion of the PHA.

§ 865.475 Period for which allowances are established.

(a) *PHA-furnished utilities.* Allowances will normally be established on a quarterly basis; however, tenants may be surcharged on a monthly basis.

(b) *Tenant-purchased utilities.* Monthly Allowances shall be established at a uniform monthly amount based on an average monthly utility requirement for a year; however, if the utility supplier does not offer tenants a uniform payment plan, the allowances established may provide for seasonal variations.

§ 865.476 Standards for allowances for utilities.

(a) The objective of a PHA in designing methods of establishing allowances for PHA-Furnished and Tenant-Purchased Utilities for each dwelling unit category and unit size shall be to approximate a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. Stated another way, it should be an objective of the Allowance that excess consumption which may result in a Surcharge (or absorption of utility cost in excess of the Allowance) should be an amount of consumption that is reasonably within the control of a tenant household to avoid. Allowances for both PHA-Furnished and Tenant-Purchased Utilities shall be designed to include such reasonable consumption for major equipment or for utility functions furnished by the PHA for all tenants (e.g., heating furnace, hot water heater), for essential equipment whether or not furnished by the PHA (e.g., range and refrigerator), and for minor items of equipment (such as toasters and radios) furnished by tenants.

(b) The complexity and elaborateness of the methods chosen by the PHA, in its discretion, to achieve the foregoing objective will be dependent upon the data available to the PHA and the extent of the administrative resources reasonably available to the PHA to be devoted to the collection of such data, the formulation of methods of calculation, and actual calculation and monitoring of the allowances. Recommended sources of data for determining reasonable consumption levels include:

(1) Consumption information from the PHA's records or obtained through current reading of checkmeters.

(2) Consumption data on residential use of utilities obtained from utility suppliers or other sources.

(3) Engineering calculations based on technical data concerning energy requirements of appliances and equipmnent and of projects and units having particular characteristics.

(4) Data concerning energy requirements available from governmental and other sources.

(5) Data obtained from energy audits.

(c) In establishing allowances, the PHA shall take into account relevant factors affecting consumption requirement, including:

(1) The equipment and functions intended to be covered by the Allowance for which the utility will be used. For instance, natural gas may be used for cooking or heating domestic water or space heating or any combination of the three.

(2) The climatic location of the housing project.

(3) The size of the dwelling units.

(4) Type of construction and design of the housing project.

(5) The energy efficiency of PHA-supplied appliances and equipment.

(6) The utility consumption requirements of appliances and equipment that the PHA has included in Family Gross Rent.

(7) The physical condition of the housing project.

(d) The PHA's determination of Allowances and revisions thereof shall be final and valid as to tenants unless found, upon review pursuant to such procedures as may be available under State or local law, to be arbitrary or capricious.

§ 865.477 Surcharge for excess consumption of PHA-furnished utilities.

(a) For dwelling units subject to Allowances for PHA-Furnished Utilities, the PHA shall establish schedules for Surcharges indicating the additional dollar amounts tenants will be required to pay for Utility consumption in excess of the Allowances. Surcharges may be computed on a straight per unit of purchase basis (e.g., cents per kilowatt hour of electricity) or for stated blocks of excess consumption and shall be reasonably related to the cost to the PHA of such excess consumption.

(b) For dwelling units served by PHA-Furnished Utilities where checkmeters have not been installed, the PHA shall establish schedules of Surcharges indicating additional dollar amounts tenants will be required to pay by reason of estimated Utility consumption attributable to tenant-owned major appliances or to optional functions, such as air conditioning, of PHA-furnished equipment. Such Surcharge schedules shall state the tenant-owned equipment (or functions of PHA-furnished equipment) for which Surcharges shall be made and the amounts of such charges, which shall be based on the cost to the PHA of the Utility consumption estimated to be attributable to reasonable usage of such equipment.

§ 865.478 Review and revision of allowances.

(a) *Annual review.* The PHA shall review at least annually the basis on which Utility Allowances have been established and, if reasonably required in order to continue adherence to the standards stated in § 865.476, shall establish revised Allowances. The review shall include all changes in circumstances (including completion of Comprehensive or Special Purpose Modernization under the Comprehensive Improvement Assistance Program) indicating probability of a significant change in reasonable consumption requirements and changes in utility rates.

(b) *Revision due to rate changes.* Between annual reviews, if there is a rate change (including fuel adjustments) which, by itself or together with prior rate changes not adjusted for, results in a change of 20 percent or more, the PHA shall revise its Allowances for Tenant-Purchased Utilities and its Surcharge Schedules for PHA-Furnished Utilities.

§ 865.479 Individual relief.

Requests for relief from Surcharges for excess consumption of PHA-Furnished Utilities, or from payment of Utility supplier billings in excess of the Allowances for Tenant-Purchased Utilities, may be granted by the PHA on such reasonable grounds, such as special needs of elderly, ill or handicapped tenants, or special factors affecting utility usage not within the control of the tenant, as the PHA shall deem appropriate. The PHA's criteria for granting such relief, and procedures for requesting such relief, shall be adopted at the time the PHA adopts the methods and procedures for determining utility allowances.

§ 865.480 Transition provisions.

PHA's shall establish Allowances in accordance with the standards stated in § 865.476 not later than 120 days after the effective date of this rule, unless for good cause shown an extension of such date is allowed by the Assistant Secretary for Housing.

(Secs. 2, 3, 6, 9, United States Housing Act of 1937 (42 U.S.C. 1437, 1437a, 1437d, 1437g); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: July 22, 1982.

Philip Abrams,

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

[FR Doc. 82-22112 Filed 8-12-82; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket H-052D]

Occupational Exposure to Cotton Dust

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Proposed stay for knitting operations; request for comments.

SUMMARY: Pending completion of the current review of the standard for occupational exposure to cotton dust (29 CFR 1910.1043), the Occupational Safety and Health Administration (OSHA) is proposing to stay enforcement of the standard for knitting operations. The presently existing stay will be extended until October 31, 1982 to permit consideration of comments on the proposed stay. During this period, the preexisting standard for exposure to cotton dust in 29 CFR 1910.1000 Table Z-1 will be enforced. This notice requests comments on this matter.

DATE: Comments must be submitted or postmarked by September 13, 1982.

ADDRESS: Written comments should be submitted in quadruplicate to the Docket Officer, Occupational Safety and Health Administration, Docket No. H-052D, Room S-6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: James Foster, Occupational Safety and Health Administration, Room N-3637, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION: On June 19, 1978 the Occupational Safety and Health Administration (OSHA) issued an occupational health standard regulating exposure to cotton dust at 29 CFR 1910.1043 (43 FR 27360). This new standard was intended to supersede the previous OSHA standard which had been adopted by OSHA pursuant to Section 6(a) of the Occupational Safety and Health Act from an established Federal standard.

The new standard was immediately challenged in the United States Court of Appeals for the District of Columbia by affected employees and by various groups of affected employers. The knitting industry did not participate in any of these court challenges to the cotton dust standard. After the standard was upheld by the court, a new effective date of March 27, 1980 was issued by OSHA and the knitting industry became subject to all pertinent compliance requirements.

On November 8, 1980, a group of trade associations consisting of the National Knitwear Manufacturers Association (NKMA); the National Association of Hosiery Manufacturers, which had already submitted its own petition; the Knitted Textile Association; the National Knitted Outerwear Association; and the Northern Textile Association petitioned OSHA for a "Stay or Suspended Enforcement of Cotton Dust Standard in Knitting Operations." The NKMA served as spokesman for this group. The petitioners claim that OSHA had not demonstrated the existence of significant risk to workers in the knitting industry from cotton dust, that no risk was evident from industy data and experience, and that requirements of the standard placed a needless burden upon the industry.

On March 31, 1981, in response to the knitters' petition, OSHA granted a 60-day administrative stay of enforcement to the knitting industry. Following its expiration, the knitters' stay was extended to August 31, 1981, to provide further time for the petitioners to prepare and submit a comprehensive analysis of the data they had collected. Hosiery knitting was also included under the stay for the extension period.

The NKMA collected much medical surveillance data but was unable to complete the analysis before the extension expired. Arrangements were made by the industry for Cotton Incorporated to fund analysis of the data by Dr. Brian Boehlecke and Dr. Mario Battigelli of the University of North Carolina. On August 31, 1981, after meetings with representatives of some of the various organizations involved, OSHA extended the stay to January 31, 1982, to provide time for the investigators to review the data collection procedures and analyze the data. On November 9, 1981, the required interim report was sent to OSHA, and on January 29, 1982, OSHA received a draft copy of the study entitled, "Analysis of Pulmonary Function Data of Knitting Industry Workers." The stay was subsequently extended by letter to July 31, 1982 to permit analysis of the report.

The objective of the knitting industry report was to address the question of whether or not there is an association between adverse respiratory health effects and employee dust exposure in knitting operations. The data upon which the report was based were collected by 12 companies as part of a

medical surveillance program and was supplied to the investigators by ELB Associates, Inc. of Chapel Hill, N.C., a private company which performs pulmonary function testing, administers health questionnaires, and conducts industrial hygiene sampling. The analysis presented in the report indicates that the prevalences of chronic cough, chronic phlegm, mild dyspnea, and byssinotic symptoms are similar to those reported in a group of Southeastern blue-collar workers not exposed to respiratory hazards. A deleterious effect relating to cigarette smoking was evident.

Based on an initial analysis of the information contained in the report, OSHA proposes to stay the new cotton dust standard, 29 CFR 1910.1043, for the knitting industry (including the hosiery industry) until the current review of the cotton dust standard and subsequent rulemaking proceedings have been completed. Public comments are requested on this proposed action and the underlying report upon which it is based. OSHA will carefully evaluate comments before it determines whether to continue the stay.

A final copy of the report, "Analysis of Pulmonary Function Data of Knitting Industry Workers" was submitted to OSHA on July 14, 1982 and is available at the OSHA Docket Office at the address given above. Single copies will be mailed to interested persons who telephone the Docket Office at (202) 523–7894. Comments on the proposed stay must be submitted to the Docket Office by September 13, 1982.

In order to give OSHA time to consider the comments, OSHA will extend the temporary stay which expires on July 31, 1982 until October 31, 1982 for the knitting of cotton yarn or cotton blend yarn. In the interim, such operations will continue to be subject to the requirements of 1910.1000, Table Z–1.

List of Subjects in 29 CFR Part 1910

Cotton dust, Occupational safety and health.

Authority: This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, N.W., Washington, D.C. It is issued pursuant to Sections 6(b) of the Occupational Safety and Health Act. (84 Stat. 1593, 29 U.S.C. 655), 29 CFR Part 1911; Secretary of Labor's Order No. 8–76 (41 FR 25059) and 5 U.S.C. 551 et seq.

Signed at Washington, D.C. this 30th day of July, 1982.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 82–22190 Filed 8–12–82; 8:45 am]

BILLING CODE 4510–26–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 440

Ore Mining and Dressing Point Source Category

[WH–FRL 2187–2]

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On June 14, 1982, EPA published in the **Federal Register** (47 FR 25682) a proposed regulation to limit effluent discharges to waters of the United States and introduction of pollutants from facilities engaged in mining and processing of metal ores. The comment period was scheduled to expire August 13, 1982. The purpose of this notice is to extend until August 27, 1982 the period for comment on all aspect of the proposed regulation.

DATE: All comments on this rulemaking must be submitted no later than August 27, 1982.

ADDRESS: Send comments to Mr. B. Matthew Jarrett, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Attention EGD Docket Clerk, Rulemaking-Ore Mining and Dressing Industry. The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), at the EPA address given above. The EPA information regulation 40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Technical information may be obtained from Mr. B. Matthew Jarrett, at the address listed above, or by calling (202) 426–4618. Copies of technical documents may be obtained from the Distribution Officer at the above address or by calling (202) 426–2724. The economic information may be obtained from Mr. John Kukulka, Office of Analysis and Evaluation (WH–586), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, or by calling (202) 426–2617.

SUPPLEMENTARY INFORMATION: On June 14, 1982, EPA proposed a rulemaking to provide effluent limitations guidelines for "best available technology" (BAT), "best conventional control technology" (BCT) and to establish new source performance standards (NSPS) under the Clean Water Act. Comments on the proposal were to be submitted on or before August 13, 1982. The American Mining Congress (AMC) has requested a 30 day extension of the comment period because the development document was not available June 14 when the regulation appeared in the **Federal Register.**

The development document which was made available to the AMC on June 23, has now been made available to the general public, and the proposed BAT and BCT regulations are identical to present requirements under the "best practicable control technology" (BPT) rule promulgated on July 11, 1978 (43 FR 29771) with subsequent clarifications. Therefore, the Agency is not fully granting the request for a 30 day extension of the comment period, but to accommodate AMC and others who may have been inconvenienced by the development document not being available on June 14, the Agency is extending the comment period two weeks. The period for comment on all technical and economic aspects of the proposed BAT, BCT, and NSPS regulations is extended to August 27, 1982.

Dated: August 4, 1982.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

[FR Doc. 82–22065 Filed 8–12–82; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6387]

National Flood Insurance Program; Proposed Zone Designation and Base Flood Elevation Determinations for Olmstead County, Unincorporated Area, Minnesota

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already

in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at 515 Southwest Second Street, Rochester, Minnesota.

Send comments to: Richard G. Devlin, County Administrator, Olmstead County, 515 Southwest Second Street, Rochester, Minnesota 55901.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for Olmstead County, Minnesota, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations and base flood elevations are as follows:

Source of flooding and location	Elevation (feet), national geodetic vertical datum	Zone designation
Bear Creek:		
Upstream side of County Highway 11.	1,059	A5.
A point approximately 1,600 feet upstream of County Highway 11.	1,062	A5.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: July 28, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-21990 Filed 8-12-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6386]

National Flood Insurance Program, Proposed Base Flood Elevations and Zone Designations for Richland County, South Carolina

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

The base flood elevations and zone designations together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations for selected locations are:

Source of flooding and location	Existing elevation (feet) (NGVD)	Proposed elevation (feet) (NGVD)
Gills Creek (The bfe's have been shifted): Garners Ferry Road (downstream side)	153.0	155.0

Source of flooding and location	Existing zone designation	Proposed zone designation
Little Jackson Creek: A section South of Route 20 between Lightwood Knot and Little Jackson Creek.	A20	C.
Little Jackson Creek: Relocated portion of Little Jackson Creek.	C	AO.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the County Administrator's Office.

Send comments to: Richard L. Black, County Administrator, P.O. Box 192, Columbia, South Carolina 29202.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Divisions, Federal Emergency Management Agency, Room 514, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local

Programs and Support, gives notice of the proposed base flood elevations and zone designations (100 year flood) for Richland County, South Carolina in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

Pursuant to the provisions of 5 USC 605 (b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued:July 28, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–21991 Filed 8–12–82; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA 6385]

National Flood Insurance Program, Proposed Elevations for the City of Johnson City, Tennessee

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed elevations described below.

The proposed elevations will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed elevations are available for review at the Mayor's Office.

Send comments to: Honorable John Love, Mayor, City of Johnson City, 1006 South Roan Street, P.O. Box 941, Johnson City, Tennessee 37601.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Room 514, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed elevations (100 year flood) for the City of Johnson City, Tennessee in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–324), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

The elevations together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed elevations for selected locations are:

Source of flooding and location	Elevation (feet) (NGVD)
Cobb Creek:	
Upstream side of East Oakland Avenue crossing.	1,540
Downstream side of first dam upstream of County Road crossing.	1,574
Downstream side of Montcastle Drive crossing.	1,598
Upstream side of Broyles Drive crossing.....	1,606

NOTE.—Detailed flooding has been added along Cobb Creek. The elevations listed above can be found at selected locations.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood Insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: July 30, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–21989 Filed 8–12–82; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82–556; RM–4152]

FM Broadcast Station in Ocean View, Delaware; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of Channel 269A to Ocean View, Delaware, in response to a petition filed by Dragon Communications, Inc. The proposed assignment could provide a first FM service to Ocean View.

DATES: Comments must be filed on or before September 24, 1982, and reply comments on or before October 14, 1982.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Ocean View, Delaware), BC Docket No. 82-556; RM-4152. Notice of Proposed Rulemaking.

Adopted: August 5, 1982.

Released: August 11, 1982.

1. Dragon Communications, Inc. ("petitioner") has filed a petition for rule making proposing the assignment of FM Channel 269A to Ocean View, Delaware, as that community's first FM assignment. Petitioner has failed to state an interest in applying for the channel, if assigned, and should do so when filing comments.

2. Petitioner's proposed assignment meets the mileage separation requirements of the Commission's rules with a site restriction of approximately 2.5 miles southeast of Ocean View due to Station WNNN in Canton, New Jersey. Because of the site restriction and Ocean View's close proximity to the Atlantic Ocean, petitioner may have a problem finding a site on land. Petitioner should indicate the extent to which it has taken steps to locate a site which would comply with the mileage separation rules.

3. Therefore, in view of the fact that the proposed assignment could provide a first FM broadcast service to Ocean View, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to Ocean View, Delaware, as follows:

City	Channel No.	
	Present	Proposed
Ocean View, Del	—	269A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before Sept. 24, 1982, and reply comments on or before October 14, 1982, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the 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.

7. For further information concerning this proceeding, contact D. David Weston, 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 proceedings.

(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 §§ 0.204(b) and 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of proposed rulemaking* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-22047 Filed 8-12-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 47, No. 157
Friday, August 13, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1983 Crop Extra Long Staple Cotton; Proposed Determinations Regarding National Marketing Quota, National Acreage Allotment, Loan Rate and Other Related Operating Provisions for 1983

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of Proposed Determinations Regarding the 1983 Crop of Extra Long Staple (ELS) Cotton.

SUMMARY: The Secretary of Agriculture proposes to make the following determinations with respect to the 1983 crop of extra long staple cotton (referred to as "ELS cotton"):

(1) National marketing quota.

(2) National acreage allotment.

(3) Apportionment of the national acreage allotment to States and counties.

(4) Date or period for conducting the national marketing quota referendum.

(5) Loan rate for ELS lint cotton.

(6) Loan rate for ELS seed cotton.

The above determinations are made by the Secretary in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, the Agricultural Act of 1949, as amended, and the Commodity Credit Corporation Charter Act.

This notices invites written comments on these proposed determinations.

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

ADDRESS: Dr. Howard Williams, Director, Analysis Division, ASCS, USDA, Room 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Charles V. Cunningham, Acting Deputy Director, Analysis Division, ASCS–USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447–7954. The Preliminary Regulatory Impact Analysis describing the options considered in developing these proposed determinations is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: These proposed determinations have been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and have been classified as not "major" since 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 for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the federal assistance program that this notice applies to are: Title—Cotton Production Stabilization; Number 10.052, and Title—Commodity Loans and Purchases; Number 10.051, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

These proposed determinations relating to the national marketing quota, national acreage allotment, the apportionment of such allotment to States and counties, and the date for conducting the national marketing quota referendum are required to be made for each crop of extra long staple cotton pursuant to Sections 343, 344, and 347 of the Agricultural Adjustment Act of 1938, as amended. The loan rate determination for lint cotton is required to be made for each crop of extra long staple cotton pursuant to Section 101 of the Agricultural Act of 1949, as amended. A seed cotton loan program is made available in accordance with the Commodity Credit Corporation Charter Act.

Certain determinations set forth in this notice are required to be made by the Secretary for 1983-crop program purposes by October 15, 1982. Therefore, I have determined that all public comments must be received on or before September 15, 1982, which will allow the Secretary sufficient time to consider properly the comments received before the final program determinations are made.

Proposed Determinations

The following determinations are to be made with respect to the 1983 crop of ELS cotton:

(1) *National marketing quota.* Section 347(b)(1) of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "1938 Act"), requires the Secretary to proclaim the amount of the national marketing quota for the 1983 crop of ELS cotton by October 15, 1982. Such marketing quota shall be the number of standard bales of ELS cotton equal to the sum of the estimated domestic consumption and estimated exports, less estimated imports for the 1983–84 marketing year beginning August 1, 1983, plus such additional number of bales, if any, as the Secretary determines necessary to assure adequate working stocks in trade channels until ELS cotton from the 1984 crop becomes readily available without resort to Commodity Credit Corporation (CCC) stocks. Domestic consumption for the 1983–84 marketing year is estimated at about 58,000 bales. Exports and imports are projected to range from 15,000 bales to 20,000 bales and from 1,000 to 5,000 bales, respectively. The Secretary may reduce the quota so determined for the purpose of reducing surplus stocks, but not below the minimum quota of 82,481 standard bales prescribed under section 347(b)(2) of the 1938 Act.

An adjustment of from 14,481 bales to 50,292 bales is being considered for the purpose of assuring adequate 1983–84 ending stocks. The range being considered for the 1983 national marketing quota is 82,481 to 127,292 bales.

(2) *National acreage allotment.* Section 344(a) of the 1938 Act provides

that the national acreage allotment for the 1983 crop of ELS cotton shall be that acreage determined by multiplying the national marketing quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield per acre of ELS cotton for the four calendar years 1978, 1979, 1980, and 1981. The national average yield per planted acre during this four year period was 611 pounds. The range being considered for the 1983 national acreage allotment is 64,797 to 100,000 acres.

(3) *Apportionment of the national acreage allotment to States and counties.* Sections 344 (b) and (e) of the 1938 Act provide that the national acreage allotment for the 1983 crop of ELS cotton shall be apportioned to States and counties on the basis of the acreage planted to ELS cotton (including acreage regarded as having been planted) during the five calendar years 1977, 1978, 1979, 1980, and 1981, adjusted for abnormal weather conditions during such period. Section 344(e) provides that the State committee may reserve not to exceed 10 percent of its State allotment to adjust county allotments for trends in acreage, for counties adversely affected by abnormal conditions affecting plantings, for small or new farms, or to correct inequities in farm allotments and to prevent hardship.

(4) *Date or period for conducting the national marketing quota referendum.* Section 343 of the 1938 Act requires the Secretary to conduct a referendum by secret ballot of the farmers engaged in the production of ELS cotton during 1982 by December 15, 1982, to determine whether such farmers are in favor of or opposed to the quota. If more than one-third of the farmers voting in the referendum opposes the national marketing quota, such quota shall become ineffective upon proclamation of the results of the referendum. Section 343 further requires the Secretary to proclaim the results of the referendum within 30 days after the date of such referendum. Pursuant to section 343, the Secretary proposes that said referendum be held during the period December 6–10, 1982, inclusive.

(5) *Loan rate for ELS lint cotton.* Section 101(f) of the Agricultural Act of 1949, as amended (hereinafter referred to as the "1949 Act"), provides that, if producers have not disapproved marketing quotas for the 1983 crop of ELS cotton, price support loans shall be made available at a level which is not less than 75 percent or more than 125 percent in excess of the loan level established for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) of such crop at average location in the United States (hereinafter referred to as the "upland cotton base loan rate"). The 1983 upland cotton base loan rate is estimated to be 55 cents per pound. Thus, the possible range for the 1983 ELS loan rate is 96.25 cents per pound to 123.75 cents per pound.

(6) *Seed cotton loan rate.* The Secretary will make recourse loans available to producers on 1983-crop seed cotton in accordance with the authority vested in the Secretary under the Commodity Credit Corporation Charter Act. Consideration is being given to the level at which loans should be made available for the 1983 crop. The loan level which is presently being considered for seed cotton is 100 percent of the loan level which is applicable to lint cotton adjusted to a lint basis.

Accordingly, comments are requested with respect to the amounts of the national marketing quota, national acreage allotment, apportionment of the national acreage allotment to States and counties, dates for conducting the national marketing quota referendum, and loan rates for lint and seed cotton, in accordance with the provisions of the 1938 Act, the 1949 Act, and the Commodity Credit Corporation Charter Act.

Comments will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C. on August 6, 1982.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 82-21896 Filed 8-12-82; 8:45 am]

BILLING CODE 3410-05-M

Food and Nutrition Service

National Average Minimum Value of Donated Foods for the Period July 1, 1982, Through June 30, 1983

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the value of donated foods or, where applicable, cash in lieu thereof, to be given in the 1983 school year for each lunch served by schools participating in the National School Lunch Program or as commodity schools and for each lunch and supper served by institutions participating in the Child Care Food Program.

EFFECTIVE DATE: July 1, 1982.

FOR FURTHER INFORMATION CONTACT: Gwena Kay Tibbits, Chief, Program Monitoring and Policy Development Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22301, (703) 756–3660.

SUPPLEMENTARY INFORMATION: This action, which implements mandatory provisions of sections 6(e), 14(f), and 17(h) of the National School Lunch Act (the Act), has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512. It has been classified as "nonmajor", because it meets none of the three criteria in the Executive Order; the action will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs, and will not have a significant impact on competition, employment, productivity, innovation, or the ability of U.S. enterprises to compete.

The action has also been reviewed with regard to the requirements of Public Law 96–354, the Regulatory Flexibility Act of 1980. Samuel J. Cornelius, Administrator, Food and Nutrition Service has determined that it will not have a significant economic impact on a substantial number of small entities. The purpose of the action is to notify States of the level of donated-food assistance to be provided during the 1983 school year.

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review.

Section 6(e) of the Act established the national average value of donated-food assistance to be given to States for each lunch served in the National School Lunch Program at 11.0 cents per meal. This amount is subject to annual adjustment as of July 1, 1982 and each July 1, thereafter to reflect changes in the Price Index for Food Used in Schools and Institutions. Section 17(h) of the Act provides that the same value of assistance in donated foods for school lunches shall also be established for lunches and suppers served in the Child Care Food Program. Notice is hereby given that the national average minimum value of donated foods, or cash in lieu thereof, per lunch under the National School Lunch Program (7 CFR Part 210) and per lunch and supper under the Child Care Food Program (7 CFR Part 226) shall be 11.50 cents for the period July 1, 1982 through June 30, 1983.

The Price Index for Food Used in Schools and Institutions is computed on the basis of five major food components in the Bureau of Labor Statistics' Producer Price Index (cereal and bakery products; meats, poultry and fish; dairy

products; processed fruits and vegetables; and fats and oil). Each component is weighted using the same relative weight as determined by the Bureau of Labor Statistics. The value of food assistance is adjusted each July 1 by the annual percentage change in a three-month simple average value of the Index for March, April and May. The minimum level of assistance at 11.50 cents per meal includes such an adjustment and reflects a 3.6 percent annual increase in the relevant three-month simple average value of the Price Index (from 244.9 in March, April and May of 1981 to 253.6 in the same three months of 1982).

Section 14(f) of the Act provides that commodity-only schools shall be eligible to receive donated foods equal in value to the sum of the national average value of donated foods established under section 6(e) of the Act and the national average payment established under section 4 of the Act. Such schools are eligible to receive up to 5 cents of this value in cash for processing and handling expenses related to the use of such foods. Commodity-only schools are defined in section 12(d)(8) of the Act as "schools which do not participate in the school lunch program under this Act, but which receive commodities made available by the Secretary for use in nonprofit lunch programs". In interim regulations published on April 13, 1982 (47 FR 15978–86) to implement the provisions of section 14(f), it was indicated that the term "commodity schools" will be used for such nonprogram schools instead of "commodity-only schools".

For the 1983 school year, commodity schools shall be eligible to receive donated-food assistance valued at 22.50 cents for each lunch served. This amount is based on the sum of the section 6(e) level of assistance announced in this notice and the adjusted section 4 minimum national average payment factor for school year 1983 announced by the Department on July 6, 1982 (47 FR 29297). The section 4 factor for commodity schools does not include the two-cents per lunch increase for lunches served in the second preceding year free or at reduced prices, since that increase is applicable only to schools participating in the National School Lunch Program.

(Catalog of Federal Domestic Assistance Nos. 10.550, 10.555, and 10.558)

(Secs. 6, 14 and 17 of the National School Lunch Act, as amended, 42 U.S.C. 1755, 1766)

Dated: August 5, 1982.

Robert E. Leard,

Associate Administrator.

[FR Doc. 82-21787 Filed 8-12-82; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Apache National Forest Grazing Advisory Board; Meeting

The Apache National Forest Grazing Advisory Board will meet at 10:00 a.m., September 10, 1982 at the Supervisor's Office, Springerville, Arizona.

There will be a short business meeting followed by a field trip to select allotments on the Apache National Forest to observe expenditures of Range Betterment Funds and active allotment management plans.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, P.O. Box 640, Springerville, Arizona 85938, (602) 333–4301. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation. Any interested persons besides the Advisory Board members are welcome to attend and will be afforded the opportunity to speak after being duly recognized by the Chairman of the Board.

Dated: August 2, 1982.

Nick McDonough,

Forest Supervisor.

[FR Doc. 82-22053 Filed 8-12-82; 8:45 am]

BILLING CODE 3410-4-M

Rural Electrification Administration

Oglethorpe Power Corp.; Proposed Loan Guarantee

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed loan guarantee.

SUMMARY: Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $2,160,000,000 to Oglethorpe Power Corporation ("Oglethorpe"), Atlanta, Georgia, to finance cost overruns on four electric generating plants in which Oglethorpe has undivided interest, a 30 percent ownership interest in a 94 MW oil-fired combustion turbine, and a loan-management system.

FOR FURTHER INFORMATION CONTACT: Mr. F. F. Stacy, Jr., Manager, Oglethorpe Power Corporation, 2888 Woodcock Blvd., Atlanta, Georgia, 30341.

SUPPLEMENTARY INFORMATION: Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advance to the borrower of the guaranteed loan funds from Mr. F. F. Stacy, Jr., at the address given above.

In order to be considered, proposals must be submitted September 13, 1982, to Mr. Stacy. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals recieved, as Oglethorpe and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with REA.

Copies of Bulletin 20–22 are available from the Director, Public Information Office, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

(Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loan and Loan Guarantees)

Dated: August 6, 1982.

Harold V. Hunter,

Administrator.

[FR Doc. 82-22033 Filed 8-12-82; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Edinboro Lake and Conneauttee Creek Agriculture-Related Pollutant Control R.C. & D. Measure, Pennsylvania; Finding of No Significant Impact

AGENCY: Soil Conservation Service; USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Edinboro Lake and Conneautte Creek Agriculture-Related Pollutant Control

RC&D Measure, Erie County Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone (717) 782–2202.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the measure will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns soil and water management for agriculture-related pollutant control of approximately 12 farms. The planned works of improvement will be on cultivated land and in barnyard areas. They will include erosion control practices (such as surface water diversions, waterways and subsurface drains), manure handling and storage facilities, and management plans. The management plans give directions for the operation and maintenance of the improvements in the proper disposal of manure.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting Graham T. Munkittrick.

No administrative action on implementation of the proposal will be taken September 13, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 13, 1982.

William Hunt,

Deputy State Conservationist.

[FR Doc. 82–21999 Filed 8–12–82; 8:45 am]

BILLING CODE 3410–16–M

Old U.S.-131 Campground R.C. & D. Measure, Michigan; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Old US–131 Campground R. C. & D. Measure, Wexford County, Michigan.

The environmenal assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of measures for public water-based recreation and critical area treatment. Recreation meaures include: one trail bridge, one boat launching ramp, 500 feet of access road, 700 ft. of blacktop handicapped nature trail and 800 feet of rough nature trail covered with 3 inches of wood chips. Critical area treatment measures will include: 300 feet of rock riprap, 700 feet of fence and one acre of critical area planting. Total construction cost is estimated to be $52,800; $26,400 (50%) R. C. & D. cost and $26,400 (50%) DNR cost.

The Notice of a Finding of No Significant Impact (FONSI) has been forward to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FONSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 13, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: July 28, 1982.

Jerry L. Keller,

Deputy State Conservationist.

[FR Doc. 82–22043 Filed 8–12–82; 8:45 am]

BILLING CODE 3410–16–M

Oscoda County Walleye Rearing Pond R.C. & D. Measure, Michigan; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Oscoda County Walleye Rearing Pond RC&D Measure, Oscoda County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of measures for public water-based fish and wildlife. These measures include: Clearing and grubbing the site, excavating and installing fill for a dam and a draw down pipe, road build up and seeding, mulching, and fertilizing of disturbed unflooded area. Total construction cost is estimated to be $20,000, with RC&D funds paying $10,000 (50%) and local funds paying $10,000 (50%).

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FONSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to

fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 13, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: July 28, 1982.

Jerry L. Keller,

Deputy State Conservationist.

[FR Doc. 82-22041 Filed 8-12-82; 8:45 am]

BILLING CODE 3410-16-M

Salt Fork Laterals Critical Area Treatment, Oklahoma; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624-4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Salt Fork Laterals Critical Area Treatment RC&D project, Harmon County, Oklahoma.

The environmental assessment of this federally assisted action indicates that the action will not cause significant impacts to the human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project objectives are to reduce and halt the excessive erosion on steep rangeland, prevent further damage to cropland soils which lie adjacent to steep rangeland, prevent excessive siltation problems into pond that are in the project area and extend their lifespan, and reduce expenditure of county funds for the maintenance of county rights-of-way where erosion is a severe problem.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FONSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

No administrative action or implementation of the proposal will be taken until September 13, 1982.

(Catalog of Federal Domestic Assistance Program No. 10-901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and Local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 4, 1982.

Billy R. Littlefield,

Assistant State Conservationist (Programs).

[FR Doc. 82-22045 Filed 8-12-82; 8:45 am]

BILLING CODE 3410-16-M

Upper Salem River Watershed, New Jersey; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Salem River Watershed, Salem County, New Jersey.

FOR FURTHER INFORMATION CONTACT: Plater T. Campbell, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, Somerset, New Jersey 08873, telephone (201) 246-1205.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Plater T. Campbell, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection and involves financial and technical assistance for the installation of conservation practices for erosion control and animal waste management.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Plater T. Campbell.

No administrative action on implementation of the proposal will be taken until September 13, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 5, 1982.

Plater T. Campbell,

State Conservationist.

[FR Doc. 82-22044 Filed 8-12-82; 8:45 am]

BILLING CODE 3410-16-M

T.K. Lawless Park R.C. & D. Measure, Mich.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the T.K. Lawless Park R.C. & D. Measure, Cass County, Michigan.

The environmenal assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environment impact statement are not needed for this project.

This measure concerns a plan for the installation of measures for public water-based recreation. These measures

will include: installing toilet facilities, a parking area, trail development with footbridges, an observation platform, picnic sites, playground equipment and a park sign. Total construction cost is estimated to be $74,000, with R.C. & D. funds paying $37,000 (50%) and local funds paying $37,000 (50%).

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FONSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable.)

Dated: July 28, 1982.

Jerry L. Keller,

Deputy State Conservationist.

[FR Doc. 82-21961 Filed 8-12-82; 8:45 am]

BILLING CODE 3410-16-M

New Watershed Planning Authorizations

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of authorization for watershed planning.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Peterson, Director, Project Development and Maintenance, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013; telephone number (202) 447-3527.

NOTICE: The concerned State Conservationists of the Soil Conservation Service have been authorized to provide planning assistance to local organizations for 34 watersheds. The State Conservationists may proceed with investigations and surveys as necessary to develop the watershed plan under authority of the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and in accordance with requirements of the National Environmental Policy Act of 1969, Pub. L. 91-190.

The watersheds are:

Harrison Mill-Panther Creeks Watershed, (Dale, Geneva and Houston Counties), Alabama
Shoal Creek Watershed, (Marion County), Georgia
Spring Lake Watershed, (McDonough County), Illinois
Mariah Creek Watershed, (Knox and Sullivan Counties), Indiana
West Goshen Watershed, (Elkhart County), Indiana
A&T Long Branch Watershed, (Adams and Taylor Counties), Iowa
Buffalo Bill Watershed, (Scott County), Iowa
Ross Watershed, (Plymouth County), Iowa
Dickey Brook Watershed, (Aroostook County), Maine
Bean Creek Watershed, (Hillsdale and Lenawee Counties), Michigan
Big Creek-Hurricane Creek Watershed, (Carroll and Livingston Counties), Missouri
Grassy Creek Watershed, (Lewis and Marion Counties), Missouri
Muddy Creek Watershed, (Teton County), Montana
Sage Creek Watershed, (Liberty County), Montana
Callahan Creek Watershed, (Cass, Lancaster, and Saunders Counties), Nebraska
East Fork-Maple Creek Watershed, (Colfax, Cuming, Dodge, and Stanton Counties), Nebraska
Lower Little Nemaha Watershed, (Otoe, Nemaha, Johnson, and Richardson Counties), Nebraska
Cayadutta Creek Watershed, (Fulton and Montgomery Counties), New York
Creswell Watershed, (Washngton County), North Carolina
Sandy Creek Watershed, (Cumberland County), North Carolina
Muskrat Lake Watershed, (Mountrail County), North Dakota
East Branch of Sugar Creek Watershed, (Tuscarawas County), Ohio
Wills Creek Watershed, (Belmont, Guernsey, Monroe, Muskinghum and Nobel Counties), Ohio
North Deer Creek Watershed, (Cleveland and Pottawatomie Counties), Oklahoma
Clover Creek Watershed, (Blair County), Pennsylvania
Salem Community of Lynches Lake-Camp Branch Watershed, (Florence County), South Carolina
Madison-Cypress Creek Watershed, (Madison County), Tennessee
Portland Creek Watershed, (Sumner County), Tennessee
Caddo Creek Watershed, (Collins and Hunt Counties), Texas
Lemon Fair Watershed, (Addison and Rutland Counties), Vermont
Lower Winooski River Watershed, (Chittenden County), Vermont
Bull Run Watershed, (Fairfax, Loudon and Prince William Counties), Virginia
Newaukum Creek Watershed, (King County), Washington
Richland Creek Watershed, (Green County (WI) and Stephenson County (IL)), Wisconsin and Illinois

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program)

Dated: August 9, 1982.

Peter C. Myers,

Chief.

[FR Doc. 82-22165 Filed 8-12-82; 8:45 am]

BILLING CODE 3410-16-M

COMMISSION ON CIVIL RIGHTS

Montana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Montana Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 12:30 p.m. on September 11, 1982, at the Northern Hotel, Broadway and First Avenue North, Billings, Montana, 59103. The purpose of this meeting is to review the Committee's statement, *Civil Rights in Montana: 1982* and plan for a press conference to release it to the public.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Angela V. Russell, Box 333 Lodge Grass, Montana, 59405, (406) 638-2626 or the Rocky Mountain Regional Office, Brook Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado, 80202, (303) 837-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 10, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-22183 Filed 8-12-82; 8:45 am]

BILLING CODE 6335-01-M

New Hampshire 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 New Hampshire Advisory Committee to the Commission will convene at 7:00p and will end at 9:00p, on September 9, 1982, at the

Federal Building, 275 Chestnut Street, on the Third Floor, Manchester, New Hampshire, 03103. The purpose of the meeting will be to review and discuss the final draft report of Lau Remedies Compliance in Manchester.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Sylvia F. Chaplain, 7 Wendover Way, Bedford, New Hampshire, 03102, (603) 625–5335 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 10, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–22184 Filed 8–12–82; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 15–82]

Foreign-Trade Zones 62, Brownsville, Texas; Application for Expansion

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Brownsville Navigation District (BND), a Texas public corporation and grantee of Foreign-Trade Zones 62 requesting authority to expand its zone project in the Port of Brownsville, within the Brownsville Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on July 26, 1982. The applicant is authorized to make this proposal under Senate Bill 1105, Texas Legislature, signed June 13, 1979.

On October 20, 1980, BND received authority from the Board to establish a foreign-trade zone at the Port of Brownsville (Board Order 166, 45 FR 71638, 10/26/80). Zone operations commenced during September 1981. The project covers 2000 acres at sites along the Brownsville Ship Channel and at Brownsville International Airport. BND now requests zone status for an additional 19,000 acres along the Brownsville Ship Channel within the 42,000 acre Brownsville Navigation District.

This step is being taken after a number of meetings with local Customs officials concerning boundary modifications to extend zone procedures to firms outside the presently approved area. The simplest way of providing the flexibility desired by BND is to adopt the concept of having most of the port district area that is potentially usable for zone activity designated as approved zone space, with activation to occur subject to final operational approval by Customs on non-manufacturing operations. Approval of the Board would also be needed on specific manufacturing proposals. The application refers to warehousing activity and a number of potential operations involving manufacturing, some of which would be for export only. It does not include sufficient details to permit an analysis of specific manufacturing activity, indicating that future approval would be sought on a case-by-case basis. Thus, the proposal at present seeks approval from the Board for the concept outlined above, with further Board action contemplated for specific manufacturing proposals as they arise.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report thereon to the Board. The committee consists of John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Donald Gough, Director, Inspection and Control, U.S. Customs Service, Region VI, 500 Dallas Street, Houston, Texas 77002; and Colonel Alan L. Laubscher, District Galveston, P.O Box 1229, Galveston, Texas 77553.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before September 8, 1982.

A copy of the application is available for public inspection at each of the following locations:

Administrative Offices, Brownsville Navigation District, Port of Brownsville, Highways 48 and 511, Brownsville, Texas 78520

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania NW., Room 3721, Washington, D.C. 20230.

Dated: August 9, 1982.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 82–22062 Filed 8–12–82; 8:45 am]

BILLING CODE 3510–25–M

International Trade Administration

Certain Steel Products From Belgium; Amendment to Notice of Preliminary Affirmative Countervailing Duty Determinations

AGENCY: International Trade Administration, Commerce.

ACTION: Amendment of Notice of Preliminary Affirmative Countervailing Duty Determinations.

SUMMARY: This notice is to advise the public that the Department of Commerce is amending the "Notice of Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products From Belgium" to include the product hot-rolled carbon steel sheet and strip from Forges de Clabecq.

EFFECTIVE DATE: June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Michael J. Altier, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377–1785.

SUPPLEMENTARY INFORMATION: The Department of Commerce published a "Notice of Preliminary Affirmative Countervailing Duty Determinations, Certain Steel Products From Belgium", in the **Federal Register** on June 17, 1982 (47 FR 26300). The listing of merchandise under the section "Suspension of Liquidation" should be changed by adding under the firm Forges de Clabecq the product hot-rolled carbon steel sheet and strip with an *ad valorem* rate of 5.834%. This change affects Forges de Clabecq only. The listing for this firm should read:

Forges de Clabecq
- Hot-rolled carbon steel plate, 5.834%
- Hot-rolled carbon steel sheet and strip, 5.834%

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 8, 1982.

[FR Doc. 82–22078 Filed 8–12–82; 8:45 am]

BILLING CODE 3510–25–M

Certain Steel Wire Nails From Korea; Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Antidumping Duty Order.

SUMMARY: In separate investigations, the U.S. Department of Commerce ("the Department") and the U.S. International Trade Commission ("the ITC") have determined that certain steel wire nails

from Korea are being sold at less than fair value and that these sales are materially injuring a U.S. industry. Therefore, all unappraised entries, or warehouse withdrawals, for consumption of this merchandise, with the exception of those nails produced by Jin Heung Iron and Steel Co., Ltd. (Jin Heung) and Samchok Ind., Co., Ltd. (Samchok), made on or after February 3, 1982, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on and after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Steven Lim or Richard Rimlinger, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 Telephone: (202) 377–1279.

SUPPLEMENTARY INFORMATION: The merchandise covered by this order is nails of one piece construction, which are made of round steel wire and which are either less than 1 inch in length and less than 0.065 inch in diameter, or 1 inch or more in length and 0.065 inch or more in diameter. Such nails are currently classified under items 646.25 and 646.26 of the Tariff Schedules of the United States, respectively.

In accordance with section 733 of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1673b), on February 3, 1982, the Department preliminarily determined that there was reason to believe or suspect that certain steel wire nails from Korea are being sold at less than fair value and excluded one of the Korean nail producers, Samchok, from that determination. Subsequently, on March 19, 1982, the Department published an amendment to our preliminary determination (47 FR 11916) which also excluded Jin Heung from our preliminary determination of sales at less than fair value. On June 18, 1982, the Department reached the same conclusion in a final determination (47 FR 27392).

On August 2, 1982, in accordance with section 735(b) of the Act (19 U.S.C. 1673(b)), the ITC determined and notified the Department that such importations are materially injuring a U.S. industry.

Therefore, in accordance with section 736 of the Act (19 U.S.C. 1673(e)), the Department directs U.S. Customs officers to assess antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of certain steel wire nails from Korea. These antidumping duties will be assessed on all of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after February 3, 1982, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register**, and all future entries of said merchandise.

On and after the date of publication of this notice, U.S. Customs officers must require, at the same time as importers deposit their estimated normal Customs duties on the merchandise, an additional cash deposit of estimated antidumping duties equal to the following ad valorem rates of the FOB price of the imported merchandise:

Ah-Ju Steel Co., Ltd.	2.1
Dae-A Steel Wire Ind., Co., Ltd.	1.1
Gaya Metal Ind., Co., Ltd.	13.0
Han Duk Ind., Co., Ltd.	0.6
Han Kuk Steel Wire Ind., Co., Ltd.	3.8
Je Il Steel Co., Ltd.	0.6
Kabul Ltd. or Dong-A Nails Manufacturing Co.	6.1
Korea Ill Dong Co., Ltd.	3.0
Korea Nippon Seisen Co., Ltd.	25.8
Kuk Dong Metal Ind., Co., Ltd.	5.4
New Korea Nails Ind., Co., Ltd.	0.6
The Tan's Metal Ind., Co., Ltd.	0.7
Young Sin Metal Ind., Co., Ltd.	6.3
All other nail producers except Jin Heung and Samchok	3.8

These determinations constitute an antidumping duty order with respect to certain steel wire nails from Korea, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). The Department intends to conduct an administrative review within the twelve-month period beginning on the anniversary date of the publication of this order, as provided in section 751 of the Act (19 U.S.C. 1675).

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Department of Commerce Regulations (19 CFR 353.48).

We have deleted from the Commerce Regulations, Annex I to 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Central Files and Docketing office (room 2096), Import Administration, for copies of the updated list of orders currently in effect.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 6, 1982.

[FR Doc. 82–22079 Filed 8–12–82; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), will meet to discuss the surf clam and ocean quahog Fishery Management Plan (FMP), the bluefish FMP, the status of other FMP's, amendments to the Council's statement of operating practices and procedures, foreign fishing applications, and other fishery management and administrative matters.

DATES: The public meetings will convene at approximately noon on Wednesday, September 8, 1982, and will adjourn at approximately 5:00 p.m. on Thursday, Sept. 9, 1982. The meetings may be lengthened or shortened, depending upon the progress made on the agenda.

ADDRESS: The public meetings will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, PA 19153.

FURTHER INFORMATION: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901; Telephone (302) 674–2331.

Dated: August 10, 1982.

E. Craig Felber,

Chief Management Services Staff, National Marine Fisheries Service.

[FR Doc. 82–22113 Filed 8–12–82; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Chief of Engineers, Environmental Advisory Board; Meeting

ACTION: Notice of opening meeting.

SUMMARY: Under Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) this notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Chief of Engineers Environmental Advisory Board (EAB) Meeting. The meeting is to be jointly chaired by Mr. Gerald J. McLindon, Chairman, EAB, and Lieutenant General J. K. Bratton, Chief of Engineers, U.S. Army. The meeting is open to the public.

DATE: The meeting will be held from 8:15 a.m., Tuesday, 31 August 1982, to 9:45 a.m., Thursday, 2 September 1982.

PLACE: The meeting will be held at the Plaza Cosmopolitan Hotel, 1780 Broadway, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Thomas H. Magness, III, Assistant Director of Civil Works for Environmental Programs, or 1st Lieutenant Kevin A. Doxey, Office of the Chief of Engineers, Washington, D.C. 20314, (202) 272-0103.

SUPPLEMENTARY INFORMATION: The schedule and proposed agenda of the Environmental Advisory Board meeting is:

31 August—Tuesday

A.M. Session

8:15—Meeting convened—opening remarks
9:00—Missouri River Division—overview
9:30—Old business
10:30—Field Verification Program (NED)
11:15—NRC-EQEP Review, status report
11:30—Aesthetics Evaluation Review

P.M. Session

1:00—Report on the HEP 80 Demonstration Program—Overview of Corps and FWS program objectives and conduct
1:30—Program results—Introductory remarks
1:45—Corps presentation
3:00—FWS presentation
4:00—Other agencies, demonstrations and applications—SCS, BurRec
4:30—Discussion
4:45—Public comments
5:00—Meeting recessed

1 September—Wednesday

A.M. Session

8:00—Habitat-based evaluation support efforts—Introduction
8:15—Report of Corps HEP coordinators
8:45—HEP research and field support at WELUT
9:15—Habitat-based evaluation research and field support at WES
9:45—Other evaluation systems
10:30—Workshops convene to discuss future directions for habitat evaluation

P.M. Session

1:00—Workshops continue
2:45—Meeting recessed

2 September-Thursday

A.M. Session

8:15—EAB reports to Chief of Engineers
9:15—Chief of Engineers responds
9:30—Public comments
9:45—Meeting adjourned

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 82-22052 Filed 8-12-82; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

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 28-30 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 28-30 August 1982, the Task Force on Closely Spaced Basing for M-X will discuss and attempt to finalize the final report.

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.

August 10, 1982.

[FR Doc. 82-22040 Filed 8-12-82; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on International Industry-to-Industry Armaments Cooperation; Advisory Committee Meeting

The Defense Science Board Task Force on International Industry-to-Industry Armaments Cooperation will meet in closed session on 15-16 September 1982 in Sunnyvale, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Reseach and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At its meeting on 15-16 September 1982 the Defense Science Board Task Force on International Industry-to-Industry Armaments Cooperation will continue its review of the Defense Department's policies, plans and procedures which impede or might impede international arms cooperation and thereby have the potential for adversely impacting the collective security of the United States, its friends and Allies. In this context, the Task Force will also analyze the effect current international cooperation policies have on the utility of the US, its friends and Allies to achieve in good order and sustain mobilization capacities.

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), it has been determined that the Defense Science Board 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, Department of Defense.

August 10, 1982.

[FR Doc. 82-22038 Filed 8-12-82; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on the Transition of Weapon Systems From Development to Production: Notice of Advisory Committee Meeting

The Defense Science Board Task Force on the Transition of Weapon Systems from Development to Production will meet in closed session on 21 September 1982, at Lockheed Missiles and Space Company, Executive Conference Room, Building 101, Sunnyvale, California.

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.

The Task Force will review, evaluate, and make recommendations concerning ways to improve and accelerate the transition of weapon systems into production. They will also consider training emphasis and possibilities for improvement in the internal management process.

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), 552b(c)(1) (1976), and that

accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

August 10, 1982.

[FR Doc. 22039 Filed 8-12-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Collier Diamond C Oils, Incorported, Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department Energy hereby gives notice of a Proposed Remedial Order which was issued to Collier Diamond C Oils Incorporated (Collier) of Dallas, Texas. This Proposed Remedial Order charges Collier with pricing violations in the amount of $74,785.71 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the same period September 1, 1973 through December 31, 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Deputy Director, Crude and NGL & 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 30, 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 10 CFR 205.193

Issued in Washington, D.C. on the 6th day of August, 1982.

Milton C. Lorenz,

Special Counsel, Economic Regulartory Administration.

[FR Doc. 82—22185 Filed 8-12-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 5715-000]

Alaska Power Authority; Intent To Prepare Environmental Impact Statement, and Notice of Scoping Session and Public Hearing

August 9, 1982.

The Alaska Power Authority filed on December 14, 1981 an application for license for the Black Bear Lake Project, FERC Project No. 5715-000. The project would be located on Black Bear Creek in the Tongass National Forest near the towns of Klawock, Craig and Hydaburg.

Public notice of the application was issued by the Commission on June 28, 1982. The application has been mailed to interested agencies for their review and comment. The Commission's staff has determined that issuance of a license for the proposed hydroelectric project would constitute a major federal action significantly affecting the quality of the human environment. The staff therefore intends to prepare an environmental impact statement in accordance with the National Environmental Policy Act. Possible alternatives to the proposed action will be addressed.

Scoping Session

Interested persons and agencies are invited to participate in a scoping meeting to discuss the environmental impacts expected from the proposed Black Bear Lake Project. The scoping session will be held on Thursday, September 2, 1982, commencing at 2:00 p.m., and will be held at the Elks Lodge, 335 Main Street, Ketchikan, Alaska 99901. The scoping session will be convened by the Commission's staff. The purpose of the scoping session is to enable interested persons and agencies to discuss with the Commission staff environmental impacts and other matters which they believe should be included in the environmental impact statement.

Public Hearing

Interested officials and members of the public are invited to express their views about the project in a public hearing. The public hearing will be held on Wednesday evening, September 1, 1982, commencing at 7:00 p.m., and will be held at the City of Craig Council Chambers, Third and Main Streets, Craig, Alaska.

The public hearing will be conducted by the Commission's staff.

At the public hearing, persons may give their statements orally or in writing. The hearing will be recorded by a stenographer, and all statements (oral and written) will become part of the public hearing record. In addition, the public hearing record will remain open until September 30, 1982, and anyone may submit written comments on the project until that time. Comments should be addressed to Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should clearly show the project name and number (Project No. 5715) on the first page.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-22123 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5571-001]

Cataldo Hydro Power Associates; Application for Exemption for Small Hydroelectric PowerProject Under 5 MW Capacity

August 6, 1982.

Take notice that on July 8, 1982, Cataldo Hydro Power 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. 5571 would be located on the Black River in the Village of Boonville, Towns of Leyden and Lyonsdale, Lewis County, New York. Correspondence with the Applicant should be directed to: Mr. Malden V. Frank, One Lincoln Center—Suite 1225, Syracuse, New York 13202.

Project Description—The proposed project would utilize existing Applicant-owned and operating facilities consisting of: (1) A 29-foot-high and 284-foot-long concrete-gravity dam having spillway crest elevation 896 feet m.s.l. and surmounted by 1-foot-high flashboards; (2) a reservoir with a surface area of 41 acres and a storage capacity of 350 acre-feet at elevation 897 m.s.l.; (3) an intake structure at the dam's left (west) abutment; (4) a powerhouse containing three generating units having a total rated capacity of 580-kW operated under a 21-foot head and at a flow of 430 cfs; (5) a short tailrace; (6) a 2.3/23-kV substation; (7) a 23-kV transmission line; (8) an access road; and (9) appurtenant facilities.

Applicant proposes to: (1) Construct an intake channel at the left bank; (2) construct, adjacent to the existing intake structure and existing powerhouse, and integral intake structure and powerhouse containing a generating unit having a capacity of 855-kW operated under a 21-foot head and at a flow of 600 cfs; (3) construct a tailrace; (4) construct an access bridge across the new tailrace; (5) remove the existing substation; and (6) construct a 2.3/23-kV and 4.16/23-kV substation.

Project energy would be sold to Niagara Mohawk Power Corporation. Applicant estimates that the average

annual energy output would be 8,080,000 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 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 revelant 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 24, 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 24, 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. 82-22142 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6344-000]

Delta Canal Co., et al.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 9, 1982.

Take notice that on May 19, 1982, Delta Canal Company et al. (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. 6344 would be located on the Central Utah Canal on the Sevier River in Juab and Millard Counties, Utah. Correspondence with the Applicant should be directed to: Mr. Jay Bingham, Water Power Company, P.O. Box 22208, Salt Lake City, Utah.

Project Description—The proposed project would consist of: (1) Enlarging, from a capacity of 200 cfs to 325 cfs, a 14,000-foot-long section of the existing canal owned and operated by the Applicant; (2) a proposed diversion structure; (3) a proposed 550-foot-long, 72-inch-diameter, buried steel penstock; (4) a proposed powerhouse containing two turbine-generator units operating under a head of 105 feet, with a rated capacity of 900-kW each; (5) a proposed tailrace; and (6) appurtenant facilities. The estimated annual generation of 9,690 MWh would offset power consumed by the Applicant in pumping irrigation water and excess power would be sold to the Utah Power and Light 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 Utah Department of Natural Resources 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 27, 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 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital leters 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. 82-22143 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3893-001]

El Dorado Irrigation District; Application for Minor License

August 6, 1982.

Take notice that El Dorado Irrigation District (Applicant) filed on April 27, 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 Sly Park Powerhouse Project No. 3893. The project would be located on Sly Park Creek in El Dorado County near the Town of Pollock Pines, California. Correspondence with the Applicant should be directed to: Mr. William Charpier, Jr., District Engineer, El Dorado Irrigation District, P.O. Box 1608, Placerville, California 95667.

Project Description—The proposed project would consist of: (1) A short length of 36-inch-diameter steel penstock branching off the existing outlet pipe, 13 feet upstream of the control structure, of the Bureau of Reclamation's Sly Park Dam; (2) a powerhouse, located adjacent to the control structure, containing a single 350-kW generating unit; (3) a 36-inch-diameter tailrace conduit discharging into the existing energy dissipation box; (4) a 30-inch-diameter bifurcation from the tailrace conduit terminating in a Howell-Bunger valve discharging into the existing outlet channel; and (5) a short section of transmission line. Applicant states that the project would cost approximately $2,000,000 in 1983 dollars.

Purpose of Project—Project power would be used to operate irrigation facilities or sold.

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—This application was filed as a competing application to American Hydroelectric Development Corporation's application for Project No. 4807 filed on June 3, 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 applications for licenses or exemptions, or notices of intent to file competing applications, will be accepted for filing in response to this notice. (See: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate.)

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 24, 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, 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. 82-22144 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-431-000]

Equitable Gas Co.; Application

August 9, 1982.

Take notice that on July 19, 1982, Equitable Gas Company (Applicant), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP82-431-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas to a customer from an existing tap and meter installation in Washington County, Pennsylvania, all as more fully set forth

in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport approximately 8,500 Mcf of natural gas per year to the Meredith R. Griffith Farm in Bentleyville, Washington County, Pennsylvania, off Applicant's transmission line number H–109.

Applicant estimates construction costs to be $500 which would be financed by cash on hand. It is further stated that the gas line from the tap to the premises and any necessary regulation equipment would be provided by the customer at customer's expense.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 31, 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. 82-22124 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6516-000]

Fishkill Hydro Associates; Application for Preliminary Permit

August 9, 1982.

Take notice that Fishkill Hydro Associates (Applicant) filed on July 14, 1982 as application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6516 to be known as the Fishkill Hydro Project located on Fishkill Creek in Dutchess 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: Wayne L. Rogers, President, Synergics, Inc., 1444 Foxwood Court, Annapolis, Maryland 21401.

Project Description—The proposed run-of-the-river project would consist of: (1) The existing Tuck Take Dam, 240 feet long and 18 feet high, constructed of stone and masonry with a 130-foot spillway section; (2) an existing reservoir having minimal pondage and normal water surface elevation of 72 feet m.s.l.; (3) an intake structure at the right dam abutment with a new 1,200-foot-long penstock leading to (4) a new powerhouse containing two turbine-generator units having rated capacities of 500-kW and 250-kW for a total rated capacity of 750-kW; (5) a tailrace, 100 feet long and 15 feet wide, re-entering Fishkill Creek approximately 1,200 feet downstream of the dam; (6) a new transmission line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 3,100,000 kWh. Project energy would be sold to the Central Hudson Electric and Gas Company. The water power facilities are owned by Tuck Industries, Inc., 1 Lefever Lane, New Rockelle, New Youk.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $36,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 5, 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 sumitted to the Commission on or before October 18, 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 18, 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 prviding 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. 82-22145 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5108-001]

Homestake Consulting and Investments, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 6, 1982.

Take notice that on July 8, 1982, Homestake Consulting and Investments, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 5108 would be located on Curley Creek, within the Kootenai National Forest, near Moyie Springs, in Boundary County, Idaho. Correspondence with the Applicant should be directed to: William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The proposed project would consist of: (1) A 2-foot-high, 25-foot-long concrete diversion structure; (2) a 2960-foot-long, 21-inch-diameter penstock; (3) a powerhouse containing four generating units with total installed capacity of 500 KW; (4) a 2945-foot-long, 5kV transmission line from the powerhouse to an existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 2.5 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 Idaho 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 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 October 4, 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 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. 82-22125 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI82-347-000]

K-B Exploration Co.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

August 4, 1982.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, 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). 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

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI82-347-000 B, Aug. 2, 1982	K-B Exploration Company, 1910 HNG Bldg., Houston, Texas 77002.	Tennessee Gas Pipeline Company, Englehart Field, Colorado County, Texas.	(1)	

[1] Tennessee Gas Pipeline Company, has no interest in purchasing the gas presently dedicated to interstate commerce. There are no other interstate pipeline companies which own pipeline facilities in the vicinity of applicant's leases. There is on the other hand, an intrastate pipeline in close proximity to applicant's leases which company is interested in purchasing the gas. Furthermore, the reservoir underlying the leases in question is currently being drained by an offset operator so that if abandonment is not granted within the next few days, a substantial portion of the recoverable reserves will be lost.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 82-22126 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6230-001]

Lester Kelley, Vernon Ravenscroft and Helen Chenoweth; Application for Preliminary Permit

August 6, 1982.

Take notice that Lester Kelly, Vernon Ravenscroft and Helen Chenoweth (Applicants) filed on July 9, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6230 to be known as the Caton Creek Project located on Caton Creek, near Yellow Pines, in Valley County, Idaho. The proposed project would affect U.S. lands in Boise National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mrs. Helen Chenoweth, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

Project Description—The proposed project would consist of: (1) Three diversion structures, each 4-foot-high; (2) a 30-inch-diameter, 16, 500-foot-long steel penstock; (3) a powerhouse with a total installed capacity of 2,062 kW; and (4) a 34.5-kV, 4.5-mile-long transmission line interconnecting with an existing Idaho Power Company transmission line. The estimated average annual energy output is 8.94 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicants seek issuance of a preliminary permit for a period of 30 months during which they would conduct engineering, environmental, and economic studies and prepare and FERC license application. The Applicants estimate the cost of conducting these studies to be $130,500.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before October 25, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.39 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 25, 1982, and should specify the tye 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 27, 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 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 (1880). 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 25, 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 Commisssion, 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. 82-22127 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5963-001]

New York State Office of Parks, Recreation and Historic Preservation; Application for Preliminary Permit

August 9, 1982.

Take notice that New York State (Applicant) filed on April 27, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 5963 to be known as the Martin Dunham Reservoir Project located on Quacken Kill in Rensselaer 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. Ivan Vamos, Deputy Commissioner for Planning & Operations, New York State Parks and Recreation, Agency Building 1, Empire State Plaza, Albany, New York 12238.

Project Description—The proposed run-of-river facility would consist of: (1) An existing 650-foot-long, 58-foot-high, earth embankment dam owned by the Applicant; (2) a 93-acre existing reservoir with an impounded volume of 2000 acre-feet at 1,290 feet M.S.L.; (3) a proposed 4-foot by 4-foot concrete intake structure; (4) a proposed 180-foot-long, 24-inch-diameter steel penstock; (5) a proposed 10-foot by 15-foot powerhouse containing one turbine-generator unit with a rated capacity of 60 kW; (6) a proposed 350-foot-long, 4.8-kV transmission line; and (7) appurtenant facilities. The average annual generation of 231,000 kWh would be sold to the New York State Electric and Gas Corporation.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 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 $35,000.

Competing Applications–Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 15, 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 18, 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 18, 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. 82-22146 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5962-001]

New York State Office of Parks, Recreation and Historic Preservation; Application for Preliminary Permit

August 6, 1982.

Take notice that New York State (Applicant) filed on April 27, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5962 to be known as the Glen Creek Dam Project located on Glen Creek in Schuyler 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. Ivan Vamos, Deputy Commissioner for Planning and Operations, New York State Parks and Recreation, Agency Building 1, Albany, New York 12238.

Project Description—The proposed run-of-river project would consist of: (1) An existing 136-foot-long, 55-foot-high, concrete arch dam owned by the Applicant; (2) a 12-acre existing reservoir with an impounded volume of 200 acre-feet at an elevation of 880 feet M.S.L.; (3) a proposed vertical flume; (4) a proposed concrete powerhouse, to be located at the top of the dam, containing one turbine-generator unit with a rated capacity of 75 kW; (5) a proposed 1,900-foot-long, 8.32-kV transmission line; and (6) appurtenant facilities. The average annual generation of 274,000 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 18 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 $35,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 15, 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 15, 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 accodance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the approprate 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 15, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATIONS," "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. 82-22148 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-438-000]

Panhandle Eastern Pipe Line Co.; Application

August 9, 1982.

Take notice that on July 23, 1982, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-438-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to establish a new delivery point to Indiana Gas Company, a new delivery point to Ohio Gas Company, and the facilities required to make 14 direct sales 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.

Applicant states that it has secured right-of-way grants from property owners to allow Applicant to construct and operate pipeline facilities in its supply areas along its mainline transmission system. It is further stated that these right-of-way agreements contain clauses which require Applicant to provide natural gas service to the property which is subject to the right-of-way grant. Applicant indicates that the proposed natural gas services would be used for domestic purposes in nine instances and for agricultural purposes in the other five instances.

Applicant also proposes to construct and operate one new delivery point to both Indiana Gas Company and Ohio Gas Company, existing resale customers of Applicant, to enable those companies to provide domestic natural gas service to two of Applicant's right-of-way grantors.

The 14 right-of-way customers are:

County	State	Customer	End-use
Hansford	Texas	Pauline F. Groendyke.	Irrigation.
Alfalfa	Oklahoma	Avis L. & Norman L. O'Bannon.	Domestic.
Ellis	do	James Dale Milton	Irrigation.
Do	do	do	Domestic.
Texas	do	William E. Sleeper	Irrigation and grain drying.
Texas	do	Rena Striat	Irrigation.
Woods	do	Bettie E. Morris	Domestic.
Butler	Kansas	Norman L. Smalley	Do.
Mease	do	Genevieve A. Hayden.	Do.
Reno	do	Mark L. Betzen	Irrigation and grain drying.
Boone	Missouri	Alfred Henderson Jones.	Domestic.
Johnson	do	Philip J. Young	Do.
Pettis	do	Floyd H. Dohrman	Do.
Pike	do	Junior M. Johnston	Do.
Delaware	Indiana[1]	Emissaries of Devine Light.	Do.
Fulton	Ohio[2]	Margaret R. Bonar	Do.

[1] New delivery point to Indiana Gas Company.
[2] New delivery point to Ohio Gas Company.

Applicant estimates that the cost of facilities associated with each irrigation tap will be $4,500, or a total of $22,500. Applicant states that the irrigation fuel sales would involve an average of 3,750 Mcf of natural gas per year. Applicant further estimates that the cost of facilities required to make the sales for domestic use would be approximately $3,000 each or a total of $27,000. Applicant states that the average volume of natural gas sold per domestic tap would be approximately 150 Mcf per year. Applicant also estimates that the two new delivery points to be established would involve facilities having a cost of $2,000. These costs would be financed from funds on hand.

Applicant adds that it does not propose herein to increase its currently authorized level of sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 31, 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. 82-22128 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6478-000]

Isobel G. and Donald W. Rankin; Exemption From Licensing

August 9, 1982.

A notice of exemption from licensing of a small hydroelectric project known as Mill Pond, Project No. 6478, was filed on June 30, 1982, by Isobel G. and Donald W. Rankin. The proposed hydroelectric project would have an installed capacity of 30 kW and would be located on Beaver Brook, at New Hampshire Water Resources Board Dam No. 142.03, in the County of Rockingham, New Hampshire.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in Section 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of July 30, 1982.

Robert E. Cackowski,

Deputy Director, Office of Electric Power Regulation.

[FR Doc. 82-22147 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3853-001]

Jorges Sanchez; Surrender of Preliminary Permit

August 9, 1982.

Take notice that Jorges Sanchez (JS), Permittee for the proposed Structure 80 Project No. 3853, has requested that its preliminary permit be terminated. The preliminary permit was issued on July 22, 1981, and would have expired on January 1, 1983. The project would have been located at the U.S. Army Corps of Engineers' Structure 80 lock and dam, on the St. Lucie Canal in Martin County, Florida.

JS cites that the project is not economically feasible for development due to extremely low head, turbine size limitations, and high civil costs.

JS filed its request on June 23, 1982, and the surrender of its permit for Project No. 3853 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-22149 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6536-000]

Town of Skykomish, Washington; Application for Preliminary Permit

August 10, 1982.

Take notice that the Town of Skykomish, Washington (Applicant) filed on July 16, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 6536 to be known as the Sibley Creek Hydropower Project located on Sibley Creek and East Fork, within Snoqualmie-Mt. Baker National Forest in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor, Town of Skykomish, P.O. Box 308, Skykomish, Washington 98288.

Project Description—The proposed project would consist of: (1) Two 36-inch-wide concrete intake structures placed in the streambeds at elevation 2,900 feet; (2) diversion pipelines totaling 6,000 feet long; (3) a powerhouse at elevation 1,340 feet containing a turbine-generator with a 2.98-MW capacity and 13.08-GWh annual energy production; and (4) a transmission line 7 miles long. Project output would be used to offset power purchases made by the Applicant.

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 $100,000.

Competing Applications—This application was filed as a competing application to Lawrence J. McMurtrey's application for Project No. 6180 filed on April 7, 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, Protest, 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 17, 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. 82-22130 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6528-000]

Town of Skykomish; Application for Preliminary Permit

August 10, 1982.

Take notice that the Town of Skykomish (Applicant) filed on July 16, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 6528 to be known as the Bedal and Chocwich Creeks Project located on the Bedal and Chocwich Creeks near Darrington in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor, Town of Skykomish, P.O. Box 308, Skykomish, Washington 98288, with a copy to: Mr. D. J. White, #600 Commercial Security Bank Tower, 50 S. Main Street, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) Two intake structures; (2) 9,000 feet of 30-inch-diameter combination pipeline/penstock; (3) a powerhouse with a proposed rated capacity of 1.65 MW operating under a head of 968 feet; and (4) a 14-mile-long, 115-kV transmission line. The estimated average annual energy production is 9.40 GWhs. The project would be located in the Snoqualmie-Mt. Baker National Forest.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. No new road would be required to conduct the studies. Any land altered or disturbed in conjunction with field studies or tests will be adequately restored.

Competing Applications—This application was filed as a competing application to Lawrence J. McMurtrey's application for Project No. 6395 filed on June 2, 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 September 14, 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. 82-22131 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6526-000]

Town of Skykomish; Application for Preliminary Permit

August 10, 1982.

Take notice that the Town of Skykomish (Applicant) filed on July 16, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6525 to be known as the Boardman Creek Project located on the Boardman Creek near Silverton in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor, Town of Skykomish, P.O. Box 308, Skykomish, Washington 98288, with a copy to: Mr. D. J. White, #600 Commercial Security Bank Tower, 50 S. Main Street, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) Two intake structures; (2) 9,000 feet of 24-inch-diamater combination pipeline/penstock; (3) a powerhouse with a proposed rated capacity of 1.46 MW operating under a head of 737 feet; and (4) a 3-mile-long, 115-kV transmission line. The estimated average annual energy production is 7.7 GWhs. The project would be located in the Snoqualmie-Mt. Baker National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. No new road would be required to conduct the studies. Any land altered or disturbed in conjunction with field studies or tests will be adequately restored.

Competing Applications—This application was filed as a competing application to Lawrence J. McMurtrey's application for Project No. 6396 filed on June 2, 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 September 14, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTESTS," 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. 82-22132 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6535-000]

Town of Skykomish; Application for Preliminary Permit

August 10, 1982.

Take notice that the Town of Skykomish (Applicant) filed on July 16, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6535 to be known as the Falls Creek Project located on Falls Creek near Darrington in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor, Town of Skykomish, P.O. Box 308, Skykomish, Washington 98288, with a copy to: Mr. D. J. White, #600 Commercial Security Bank Tower, 50 S. Main Street, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) Three intake structures; (2) 17,000 feet of 36-inch-diameter combination pipeline/penstock; (3) a powerhouse with a proposed rated capacity of 3,16 MW operating under a head of 1,223 feet; and (4) an 11-mile-long, 115-kV transmission line. The estimated average annual energy production is 15.45 GWhs. The project would be located in the Snoqualmie-Mt. Baker National Forest.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. No new road would be required to conduct the studies. Any land altered or disturbed in conjunction with field studies or tests will be adequately restored.

Competing Applications—This application was filed as a competing application to Lawrence J. McMurtrey's application for Project No. 6394 filed on June 2, 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 of 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 14, 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. 82-22133 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6526-000]

Town of Skykomish; Application for Preliminary Permit

August 10, 1982.

Take notice that the Town of Skykomish (Applicant) filed on July 16, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6526 to be known as the Goodman and Murphy Creeks Project located on Goodman and Murphy Creeks near Darrington in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor, Town of Skykomish, P.O. Box 308, Skykomish, Washington 98288, with a copy to: Mr. D. J. White, #600 Commercial Security Bank Tower, 50 S. Main Street, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) two intake structures; (2) 11,000 feet of 24-inch-diameter combination pipeline/penstock; (3) a powerhouse with a proposed rated capacity of 3.68 MW operating uder a head of 1,479 feet; and (4) an 8-mile-long, 115-kV transmission line. The estimated average annual energy production is 19.34 GWhs. The project would be located in the Snoqualmie-Mt. Baker National Forest.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks a 24-month permit to study the feasibility of construction and operating the project. No new road would be required to conduct the studies. Any land altered or disturbed in conjunction with field studies or tests will be adequately restored.

Competing Applications—This application was filed as a competing application to Lawrence J. McMurtrey's application for Project No. 6393 filed on June 2, 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 and 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 14, 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 Capital 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. 82-22134 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6540-000]

Town of Skykomish; Application for Preliminary Permit

August 10, 1982.

Take notice that the Town of Skykomish (Applicant) filed on July 16, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6540 to be known as the Jim Creek Project located on Jim Creek near Cicero and Oso in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor, Town of Skykomish, P.O. Box 308, Skykomish, Washington 98288, with a copy to: Mr. D. J. White, #600 Commercial Security Bank Tower, 50 S. Main Street, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) Two intake structures; (2) 16,000 feet of 36-inch-diameter combination pipeline/penstock; (3) a powerhouse with a proposed rated capacity of 3.75 MW operating under a head of 944 feet; and (4) an 1-mile-long, 115-kV transmission line. The estimated average annual energy production is 19.75 GWhs. The project would be located in the Snoqualmie-Mt. Baker National Forest.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. No new road would be required to conduct the studies. Any land altered or disturbed in conjunction with field studies or tests will be adequately restored.

Competing Applications—This application was filed as a competing application to Lawrence J. McMurtrey's application for Project No. 6392 filed on June 2, 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 September 14, 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 Capital 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. 82-22135 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3726-001]

South Carolina Electric & Gas Co.; Surrender of Preliminary Permit

August 9, 1982.

Take notice that South Carolina Electric & Gas Company, Permittee for the Lower Saluda River Project, FERC No. 3726, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 3726 was issued on September 10, 1981, and would have expired on August 31, 1984. The project would have been located on the Saluda River in Richland and Lexington Counties, South Carolina.

The Permittee stated that the project was found not to be economically viable at this time.

South Carolina Electric & Gas Company filed the request on June 21, 1982, and the Surrender of the preliminary permit for Project No. 3726 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-22150 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-105-015]

Southern Natural Gas Co.; Filing of Pipeline Refund Reports and Refund Plans

August 5, 1982.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 19, 1982. Copies of the respective filings are on file with the Commission and available for public inspection

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
6/1/82	Southern Natural Gas Co.	RP81-105-015	LFUT report.
7/9/82	Mississippi River Transmission Corp.	RP72-149-017	Report.
7/12/82	Algonquin Gas Transmission Co.	RP82-112-001	Plan.
7/14/82	National Fuel Gas Supply Corp.	RP81-126-005	LFUT report.
7/14/82	....do	RP81-126-006	Do.
7/16/82	Arkansas Louisiana Gas Co.	RP81-101-007	Do.
7/19/82	National Fuel Gas Supply Corp.	RP80-135-020	Report.
7/19/82	National Gas Pipeline Company of America.	RP81-49-007	Do.
7/23/82	East Tennessee Natural Gas Co.	RP78-65-013	Do.
7/26/82	El Paso Natural Gas Co.	CP81-312-006	Do.
9/24/81	Columbia Gas Transmission Corp.	RP73-65	Petition.

[FR Doc. 82-22151 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-147-000]

Sunlaw Energy Corp.; Order Granting Petition To Intervene, Denying Request To Hold Proceeding in Abeyance, and Granting Application for Certification as a Qualifying Cogeneration Facility

Issued: August 6, 1982.

On May 19, 1982, Sunlaw Energy Corporation (Sunlaw), of Sherman Oaks, California, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility. Notice of the application was published in the **Federal Register** on June 8, 1982.[1] On July 2, 1982, the City of Vernon, California (Vernon), petitioned to intervene in this docket with a recommendation to hold the proceeding in abeyance pending submission of additional data by Applicant. On July 9 and 21, 1982, in response to Commission inquiries, Sunlaw submitted additional information concerning its facility. On July 15, 1982, Sunlaw submitted an answer to the petition to intervene which opposed Vernon's request to intervene.

Sunlaw plans to install a topping-cycle cogeneration facility. The capacity of the facility will be 21.8 megawatts. The primary energy source of the facility will be natural gas. Exhaust from a gas turbine will be discharged to a heat recovery steam generator; which will deliver steam to an extraction/condensing steam turbine generator unit. Extraction steam will be used in absorption refrigeration units to partially meet cooling requirements of a cold storage facility. Additionally, some of the steam will be used to make hot water for cleaning and other processes within the cold storage facility. Based on information provided by the Applicant, the facility meets the operating and efficiency standards set forth in § 292.205 of the Commission's rules. No electric utility, electric utility holding company, or any company owned by either, will have any ownership in the facility.

Vernon indicates in its petition to intervene that Sunlaw has entered into an agreement with Southern California Edison Company (Edison) whereby Sunlaw will sell power to Edison. Vernon has been asked by Sunlaw and Edison to transport power from Sunlaw's cogeneration facility to Edison through a displacement mechanism in which Sunlaw's power is delivered into the Vernon system and is considered a delivery to Vernon by Edison. Vernon requests that the Commission require more detailed information from Sunlaw regarding the description of the proposed facility. Vernon states that "this information is necessary in order to enable Vernon to assess Sunlaw's FERC application."

Sunlaw in its answer states that Vernon's petition raises no challenge to the form or substance of Sunlaw's application for certification. Sunlaw claims that the additional information requested by Vernon is not required by the Commission's regulations or the Public Utility Regulatory Policies Act of 1978 (PURPA) in order to obtain certification as a qualifying facility.[2]

Vernon has established a substantial interest in this docket based on its role in the purchase and sale arrangement being negotiated between the parties. We will, therefore, grant Vernon's request to intervene in this proceeding. In light of the supplementary information filed by Sunlaw, however, we find that Vernon's challenge to qualifying status is moot. Sunlaw submitted, in its amended application for qualifying status, the necessary information required under § 292.207(b) of the Commission's regulations. Thus, the Commission will not require further information from Sunlaw, and denies Vernon's request to hold the proceeding in abeyance.

Based on the information provided in Sunlaw's application, the facility satisfies the requirements established in § 292.203(b) of the Commission's regulations regarding qualification as a cogeneration facility.

The Commission orders:

[1] 47 FR 24780.

[2] *See* 18 CFR 292.207.

(A) The petition to intervene, filed on July 2, 1982, by the City of Vernon, California, is hereby granted.

(B) The recommendation to hold the proceeding in abeyance pending submission of data by applicant, filed on July 2, 1982, by the City of Vernon, California, is hereby denied.

(C) The application for certification of qualifying status filed on May 19, 1982, by Sunlaw Energy Corporation, pursuant to § 292.207 of the Commission's regulations and section 3(18)(B) of the Federal Power Act, as amended by section 201 of the Public Utility Regulatory Policies Act of 1978, is hereby granted provided the facility operate in the manner described in the application.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-22129 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-418-000]

Texas Gas Transmission Corp.; Application

August 5, 1982.

Take notice that on July 14, 1982, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP82-418-000 an application pursuant to Section 3 of the Natural Gas Act for authorization to import from Canada to the United States natural gas to be purchased from Westcoast Transmission Company Limited (Westcoast) and Columbia Gas Development of Canada Limited (Columbia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it requested authorization to import up to 55,000 Mcf of natural gas per day from Canada in Docket No. CP82-403-000 filed on July 7, 1982. Applicant further states that the National Energy Board of Canada (NEB) authorized Westcoast and Columbia to deliver 45,000 and 10,000 Mcf per day, respectively, to Applicant.

Applicant now proposes to import additional volumes totaling approximately 46,200 Mcf per day which reflects a 5,000 Mcf per day increase in Westcoast's contract and a 41,200 Mcf per day increase in Columbia's contract. Applicant states that the delivery of such volumes would begin November 1, 1984, and continue through October 31, 1997.

Applicant proposes to purchase the gas at the export price prescribed by the NEB. It is stated that the current border price is $4.94 (U.S.) per million Btu.

Applicant requests that the Commission specifically approve the inclusion of the gas purchase costs of the subject importation in its purchased gas adjustment.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 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. 82-22152 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-436-000]

Transcontinental Gas Pipe Line Corp.; Application

August 9, 1982.

Take notice that on July 21, 1982, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-436-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to acquire compression facilities installed in Brazos A-133 Field, offshore Texas, by Cities Service Company (Cities), Getty Oil Company (Getty) and Sun Gas Company, a division of Sun Oil Company (Sun), 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 under the terms of separage gas purchase contracts executed between Transco Gas Supply Company (Gasco) and Cities on August 10, 1976, Gasco and Sun on October 6, 1976, and Gasco and Getty on August 10, 1976, and September 3, 1976, Gasco agreed to compress gas of natural wellhead pressures falling below 1,000 psia but remaining above 600 psia. It is further stated that by order issued May 28, 1976, in Docket No. CP76-3 Gasco was authorized to sell to Applicant all natural gas contracted for by Gasco pursuant to advance payment agreements previously entered into by Applicant and assigned to Gasco.

Applicant explains that rapid decline in wellhead pressures forced Cities to install the subject compression equipment on May 7, 1980. Applicant indicates that Cities now seeks reimbursement for the installation of such facilities and Applicant seeks to fulfill its contractual obligation by the acquisition of such facilities. Applicant asserts that the use of the facilities would remain unchanged after acquisition by Applicant.

Applicant estimates the cost of the facilities to be $909,759 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 31, 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. 82-22153 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6480-000]

Virginia Electric and Power Co.; Application for Preliminary Permit

August 6, 1982.

Take notice that Virginia Electric and Power Company (Applicant) filed on July 1, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for Project No. 6480 to be known as the Manchester Dam Water Power Project located on the James River in Richmond, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Samuel C. Brown, Jr., Senior Vice-President, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261.

Project Description—The proposed project would consist of: (1) An existing City of Richmond stone masonry dam 2,300-foot long and 6-foot high; (2) an existing reservoir with a 15 acre surface area and a 24 acre-feet storage capacity at 30 feet M.S.L.; (3) an existing powerhouse with a single generating unit having an installed capacity of 1,300 kW and producing an average annual energy output of 6.0 GWh; (4) an existing 34.5 kV primary transmission line immediately adjacent to the powerhouse; and, (5) appurtenant facilities. The energy generated by the project would be fed into the Applicant's transmission system. The Applicant proposes to develop the site in conjunction with its Twelfth Street Hydroelectric Project FERC No. 3504.

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 18 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 $30,000.00.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 22, 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 25, 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 25, 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. 82-22136 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6541-000]

Village of Winnetka, Illinois; Application for Preliminary Permit

August 6, 1982.

Take notice that the Village of Winnetka, Illinois (Applicant) filed on July 16, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6541 to be known as the Mississippi River Lock and Dam No. 13 located on the Mississippi River in Clinton County, Iowa, and Whiteside County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary L. Zimmerman, 510 Green Bay Road, Winnetka, Illinois 60093.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 6541 would consist of: (1) The proposed construction of a powerhouse immediately upstream of the existing non-overflow section of the dam; (2) the proposed installation of a series of 9 standardized tubular turbines, each having a runner diameter of 3.0 meters and a rated capacity of 750 kW; (3) the proposed installation of a substation near the powerhouse with a transmission line interconnecting with the Interstate Power Company; and (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 6.75 MW and the annual energy output to be 45,000 MWh.

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 24 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 the 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 $750,000.

Competing Applications—Anyone desiring to file a competing application

for preliminary permit must submit to the Commission, on or before November 15, 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 15, 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 15, 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. 82-22154 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6542-000]

Village of Winnetka, Illinois; Application for Preliminary Permit

August 6, 1982.

Take notice that the Village of Winnetka, Illinois (Applicant) filed on July 16, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6542 to be known as the Mississippi River Lock and Dam No. 18 located on the Mississippi River in Des Moines County, Iowa, and Henderson County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary L. Zimmerman, 510 Green Bay Road, Winnetka, Illinois 60093.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 6542 would consist of: (1) The proposed construction of a powerhouse immediately upstream of the existing non-overflow section of the dam; (2) the proposed installation of a series of 17 standardized tubular turbines, each having a runner diameter of 3.0 meters and a rated capacity of 500 kW; (3) the proposed installation of a substation near the powerhouse and a transmission line 0.75 miles in length interconnecting to the Iowa Southern Utility System; and (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 8.5 MW and the annual energy output to be 60,000 MWh.

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 24 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 the consutation 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 $750,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 15, 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 15, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commisssion'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 15, 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. 82-22155 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6194-000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 6, 1982.

Take notice that on April 8, 1982, Western Hydro Electric, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6194 would be located on Johnson Creek, within Gifford Pinchot National Forest in Lewis County, Washington. Correspondence with the Applicant should be directed to: Mr. Donald J. White, Vice President, Western Hydro Electric, Inc., Commercial Security Bank Building, Suite 600, 50 South Main Street, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) A reinforced concrete diversion structure six feet high with crest at elevation 1,800 feet; (2) a pipeline 22,000 feet long and a penstock 3,750 feet long, both 60 inches in diameter; (3) a powerhouse at elevation 1,050 feet containing a turbine-generator with a 4.8-MW capacity and a 28.0-GWh average annual output; and (4) a transmission line 1,750 feet long. Federal land acreage within the proposed project boundary is approximately 678 acres.

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 State Departments of Fisheries 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 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 October 4, 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 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 APPLICATIN." "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. 82-22137 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6448-000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 9, 1982.

Take notice that on June 18, 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 20708 *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. 6448) would be located on Grade Creek, a tributary of Big Creek and Suiattle River, within the Mount Baker National Forest, near Rockport, in Skagit County, Washington. Correspondence with the Applicant should be directed to: Mr. Donald J. White, President, 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, 40-foot-long diversion structure; (2) an 8,000-foot-long, 40-inch-diameter penstock; and (3) a powerhouse containing one generating unit with an installed capacity of 2,890 kW. The Applicant estimates that the average annual energy production would be 14.7 GWh.

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 the 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 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 27, 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 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-22156 Filed 8-12-82; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 5, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-ANADARKO PRODUCTION COMPANY				RECEIVED:	07/02/82	JA: KS			
8241803	K82-0438	1517520558		102-4		KOCH A-3	SHUCK	372.0	CIMARRON-QUINQUE
8241806	K82-0366	1520320050		103		ZODY "B" #1	PANOMA	37.0	PANHANDLE EASTERN
-ANADARKO PRODUCTION COMPANY				RECEIVED:	07/06/82	JA: KS			
8241864	K-82-0273	1517520539		102-4		MALIN A #1	SHUCK	43.0	CIMARRON-QUINQUE
-BOLERO ENERGY CORP				RECEIVED:	07/02/82	JA: KS			
8241807	K82-0337	1517520554		102-4		COLLINSON #1	MASSONI EAST	485.0	PANHANDLE EASTERN
-MCCOY PETROLEUM CORP				RECEIVED:	07/06/82	JA: KS			
8241863	K-82-0450	1507720783		102-4		GATES "C" #1	WILDCAT	50.0	PEOPLES NATURAL G
-MIDCO EXPLORATION INC				RECEIVED:	07/02/82	JA: KS			
8241804	K82-0376	1509720779		102-4		NEIER #1	WESTLAND	100.0	DELHI GAS PIPELIN
-WHITE & ELLIS DRILLING INC				RECEIVED:	07/02/82	JA: KS			
8241805	K-82-0465	1500721248		102-4		STONE #1	WILDCAT	72.0	PEOPLES NATURAL G
LOUISIANA OFFICE OF CONSERVATION									
-D C BINTLIFF-MCCORMICK OPERATING CO				RECEIVED:	07/02/82	JA: LA			
8241811	81-2527	1704720601		102-4		A WILBERT'S & SONS LBR CO #1	BAYOU HENRY	627.0	TRANSCONTINENTAL
-HOGAN EXPLORATION INC				RECEIVED:	07/02/82	JA: LA			
8241812	81-2626	1702120754		102-4		MANVILLE 744 #1	COTTON PLANT	80.0	UNITED GAS PIPE L
8241814	81-2627	1702120776		102-4		SCOTT TRUCK & TRACTOR #3	COTTON PLANT	30.0	UNITED GAS PIPE L
-LOUISIANA LAND & EXPLORATION CO				RECEIVED:	07/02/82	JA: LA			
8241816	82-1572	1707522888		102-4		E FASTERLING #2	BASTIAN BAY	180.0	UNITED GAS PIPELI
-PATRICK PETROLEUM CORP (MI)				RECEIVED:	07/02/82	JA: LA			
8241813	82-220	1702321578		102-4		EDRAS NUNEZ JR #1	SOUTH CREOLE	1186.0	
-POGO PRODUCING COMPANY				RECEIVED:	07/02/82	JA: LA			
8241810	81-2395	1705520188		102-4		GALLET #1	ANSELM COULEE	180.0	TEXAS GAS TRANSMI
-SAMEDAN OIL CORPORATION				RECEIVED:	07/02/82	JA: LA			
8241817	82-987	1711321131		102-4		EXXON FEE #1	N BUCK POINT	1059.0	MONTEREY PIPELINE
-TEXAS GAS EXPLORATION CORP				RECEIVED:	07/02/82	JA: LA			
8241808	81-3002	1705721838		102-4		RUTH D CLOW #3	LAKE ENFERMER	569.0	LOUISIANA INTRAST
-TRANSCONTINENTAL OIL CORPORATION				RECEIVED:	07/02/82	JA: LA			
8241809	81-2268	1700320202		102-4		BEL #1	OBERLIN FIELD	365.0	UNITED GAS PIPELI
-UNION OIL COMPANY OF CALIF				RECEIVED:	07/02/82	JA: LA			
8241815	82-986	1711320974		102-4		VERMILION PARISH SCHOOL BOARD A #35	EAST WHITE LAKE	1275.0	TRANSCONTINENTAL
MISSISSIPPI OIL & GAS BOARD									
-EXXON CORPORATION				RECEIVED:	07/06/82	JA: MS			
8241870	51-82-15	2309100000		108		HUB LOWER TUSCALOOSA UNIT #18	HUB	5.0	SOUTHERN NATURAL
-FOREST OIL CORPORATION				RECEIVED:	07/06/82	JA: MS			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8241871	52-82-525	2306520184		107-DP		CHABLIS #1	VINTAGE	0.0	TENNESSEE GAS PIP
-GRACE PETROLEUM CORPORATION				RECEIVED:	07/06/82	JA: MS			
8241872	54-82-351	2309520053		108		T A RICHARDSON #1	CORINNE	0.0	SOUTHERN NATURAL
-GULF OIL CORPORATION				RECEIVED:	07/06/82	JA: MS			
8241869	50-82-11	2307320244		103		J M ANDREW #78	BAXTERVILLE	0.0	UNITED GAS PIPE L
8241878	47-82-8	2306120353		103		MRS L P THORNTON 36-13-3	WEST HEIDELBERG	64.0	
-LOUISIANA LAND & EXPLORATION CO				RECEIVED:	07/06/82	JA: MS			
8241876	46-82-544-3	2311520010		102-2		B FLAHERTY #1	TROY	120.0	TEXAS EASTERN TRA
8241877	46-82-544-4	2311520012		102-2		D L WARD #1	TROY	250.0	TEXAS EASTERN TRA
8241874	46-82-554	2311520007		102-2		J R FALKNER #1	TROY	256.0	TEXAS EASTERN TRA
8241875	46-82-544-2	2311520009		102-2		J R FALKNER #2	TROY	895.0	TEXAS EASTERN TRA
-MARION CORPORATION				RECEIVED:	07/02/82	JA: MS			
8241802	14-82-9	2306520097		103		MAGGIE BELL NESBIT #1	GWINVILLE	324.0	UNITED GAS PIPELI
-PRUET PRODUCTION CO				RECEIVED:	07/06/82	JA: MS			
8241868	23-82-525	2306520202		107-DP		CROWN ZELLERBACH 18-10 #1	VINTAGE FIELD	540.0	TENNESSEE GAS PIP
-SHELL OIL CO				RECEIVED:	07/06/82	JA: MS			
8241879	49-82-474	2306520094		107-DP		AMOCO-SABINE #1	CARSON DOME AREA	500.0	
8241873	45-82-533	2311320118		102-4		FRAZIER #1	OLIVE	40.0	
-TEXACO INC				RECEIVED:	07/06/82	JA: MS			
8241867	39-82-147	2314720100		107-DP		FERNWOOD LUMBER CO UE #1	KNOXO	588.0	CROWN ZELLERBACH
8241866	38-82147	2309120076		107-DP		H L RANKIN #1	KNOXO	23.0	SOUTHERN NATURAL
8241865	10-82-147	2309120071		107-DP		M L BENNET JR #1	KNOXO	249.0	SOUTHERN NATURAL
**********									
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
**********									
-APPALACHIAN ENERGY INC				RECEIVED:	07/06/82	JA: NY			
8241818	2763	3101314651		107-TF		HAROLD BROWN #1 AE-155	BUSTI	30.0	COLUMBIA GAS TRAN
8241838	2761	3101314864		107-TF		HAROLD ERICKSON #2 AE-107	BUSTI	30.0	COLUMBIA GAS TRAN
8241839	2760	3101314863		107-TF		OLSEN-JIM UNIT #1 AE-158	BUSTI	30.0	COLUMBIA GAS TRAN
8241862	2759	3101315403		107-TF		PAUL CARLSON #2 AE-174	BUSTI	30.0	COLUMBIA GAS TRAN
8241847	2766	3101314265		107-TF		ROGER HAMILTON #1 AE-113	BUSTI	30.0	COLUMBIA GAS TRAN
-P & S DRILLING INC				RECEIVED:	07/06/82	JA: NY			
8241856	2434	3102915600		108		CLARK #1	BUFFALO CREEK	5.7	NATIONAL FUEL GAS
-TEMPLETON ENERGY INC				RECEIVED:	07/06/82	JA: NY			
8241821	3044	3101315514		107-TF		A EIMERS UNIT #582	LAKESHORE	70.0	COLUMBIA GAS TRAN
8241842	3054	3101314561		107-TF		A HALL UNIT #598	LAKESHORE	0.0	COLUMBIA GAS TRAN
8241841	3055	3101314562		107-TF		A HALL UNIT #599	LAKESHORE	0.0	COLUMBIA GAS TRAN
8241844	3042	3101313782		107-TF		A TANNER UNIT #580	LAKESHORE	21.0	COLUMBIA GAS TRAN
8241858	3139	3101314497		107-TF		C CRANDALL UNIT #568	LAKESHORE	75.0	COLUMBIA GAS TRAN
8241854	3027	3101313762		107-TF		C FISHER UNIT #554	LAKESHORE	28.0	COLUMBIA GAS TRAN
8241857	3138	3101314496		107-TF		C GRISWOLD UNIT #567	LAKESHORE	25.0	COLUMBIA GAS TRAN
8241822	3043	3101314494		107-TF		C THOMPSON UNIT #581	LAKESHORE	51.0	COLUMBIA GAS TRAN
8241826	3050	3101314818		107-TF		CHAUTAUQUA FOREST PRODS UNIT #588	LAKESHORE	16.0	COLUMBIA GAS TRAN
8241828	3052	3101314557		107-TF		D CLANCY UNIT #594	LAKESHORE	23.0	COLUMBIA GAS TRAN
8241843	3053	3101314558		107-TF		D CLANCY UNIT #595	LAKESHORE	16.0	COLUMBIA GAS TRAN
8241850	3023	3101313758		107-TF		D PROPHETER UNIT #550	LAKESHORE	140.0	COLUMBIA GAS TRAN
8241849	3024	3101313759		107-TF		D PROPHETER UNIT #551	LAKESHORE	19.0	COLUMBIA GAS TRAN
8241848	3025	3101313760		107-TF		D PROPHETER UNIT #552	LAKESHORE	10.0	COLUMBIA GAS TRAN
8241834	3039	3101313778		107-TF		D SCHWARTZ UNIT #576	LAKESHORE	23.0	COLUMBIA GAS TRAN
8241824	3048	3101314549		107-TF		E CLUTE UNIT #586	LAKESHORE	46.0	COLUMBIA GAS TRAN
8241831	3034	3101313770		107-TF		G KRAUSE UNIT #563	LAKESHORE	9.0	COLUMBIA GAS TRAN
8241833	3036	3101313775		107-TF		G STROEBEL UNIT #573	LAKESHORE	9.0	COLUMBIA GAS TRAN
8241829	3032	3101313767		107-TF		G YONKER UNIT #559	LAKESHORE	18.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8241860	3135	3101313769		107-TF		G ZENNS UNIT #561	LAKESHORE	85.0	COLUMBIA GAS TRAN
8241820	3045	3101315516		107-TF		GREEN BROTHERS LUMBER UNIT #583	LAKESHORE	30.0	COLUMBIA GAS TRAN
8241827	3030	3101313765		107-TF		H LAND UNIT #557	LAKESHORE	10.0	COLUMBIA GAS TRAN
8241830	3031	3101314419		107-TF		H LAND UNIT #558-A	LAKESHORE	49.0	COLUMBIA GAS TRAN
8241851	3022	3101313757		107-TF		J BERTRAM UNIT #549	LAKESHORE	37.0	COLUMBIA GAS TRAN
8241846	3038	3101313777		107-TF		J BERTRAM UNIT #575	LAKESHORE	68.0	COLUMBIA GAS TRAN
8241823	3049	3101314550		107-TF		J HANSEN UNIT #587	LAKESHORE	58.0	COLUMBIA GAS TRAN
8241825	3051	3101314552		107-TF		J HANSEN UNIT #589	LAKESHORE	10.0	COLUMBIA GAS TRAN
8241832	3035	3101313771		107-TF		J MEYERS UNIT #564	LAKESHORE	18.0	COLUMBIA GAS TRAN
8241859	3140	3101314545		107-TF		JOHN BECK UNIT #569	LAKESHORE	15.0	COLUMBIA GAS TRAN
8241836	3041	3101313781		107-TF		M CRANDALL UNIT #579	LAKESHORE	39.0	COLUMBIA GAS TRAN
8241852	3026	3101313761		107-TF		M ERB UNIT #553	LAKESHORE	23.0	COLUMBIA GAS TRAN
8241837	3040	3101313779		107-TF		M HOLLISTER UNIT #577	LAKESHORE	140.0	COLUMBIA GAS TRAN
8241840	3136	3101314544		107-TF		N DUDLEY UNIT #562	LAKESHORE	65.0	COLUMBIA GAS TRAN
8241853	3029	3101313764		107-TF		N JOHNSON UNIT #556	LAKESHORE	98.0	COLUMBIA GAS TRAN
8241855	3141	3101313773		107-TF		P SMITH UNIT #571	LAKESHORE	42.0	COLUMBIA GAS TRAN
8241845	3056	3101314887		107-TF		R BREADS UNIT #612	LAKESHORE	30.0	COLUMBIA GAS TRAN
8241835	3037	3101313776		107-TF		R GROUP UNIT #574	LAKESHORE	95.0	COLUMBIA GAS TRAN
8241819	3047	3101314548		107-TF		R MANSFIELD UNIT #585	LAKESHORE	68.0	COLUMBIA GAS TRAN
8241861	3137	3101313772		107-TF		W HANNUM UNIT #565	LAKESHORE	30.0	COLUMBIA GAS TRAN

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OKLAHOMA CORPORATION COMMISSION

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-ATLAS OIL INC			RECEIVED:	07/02/82	JA: OK				
8241987	17598	3508321916		102-2		OLIVER 1-4 LEASE	WEST GUTHRIE	54.8	EASON OIL CO
-B R CARTER			RECEIVED:	07/01/82	JA: OK				
8241946	13596	3513121806		102-2		BURDICK #4	UNNAMED	4.0	DIAMOND S GAS SYS
8241947	13595	3513122156		102-2		MCALVAIN #4	UNNAMED	25.0	DIAMOND S GAS SYS
-BROADWAY ENERGY CO INC			RECEIVED:	07/02/82	JA: OK				
8241988	17637	3508121377		103		HOPKINS #2		55.0	MERIDIAN ENERGY C
-D & H OIL INC			RECEIVED:	07/01/82	JA: OK				
8241963	15024	3510329794		103		FEKEN #2	POLO	0.0	
8241964	15022	3510320960		103		HORN #1	POLO	0.0	ARCO OIL & GAS CO
8241962	15025	3510321525		103		HORN 1B	POLO	0.0	ARCO OIL & GAS CO
-DEAN CLARK			RECEIVED:	07/01/82	JA: OK				
8241953	15143	3511100000		103		MELANSON #1-3	MORRIS N2 SW SW SE SE	3.1	PHILLIPS PETROLEU
-DIAMOND OIL & GAS EXPLORATION INC			RECEIVED:	07/02/82	JA: OK				
8241970	15260	3511100000		103		THOMAS DIAMOND #1		3.6	PHILLIPS PETROLEU
-DYCO PETROLEUM CORPORATION			RECEIVED:	07/01/82	JA: OK				
8241944	14698	3501720731		103		HEUPEL #1		6.0	DELHI GAS PIPELIN
8241943	14699	3500920409		103		RHOTEN #1		30.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY			RECEIVED:	07/02/82	JA: OK				
8241973	15173	3500706761		108		DYCHE #1	IVANHOE - NE MORROW	20.0	EL PASO NATURAL G
8241965	15172	3515320377		108		MCFEETERS #4	QUINLAN N W (CHESTER)	23.0	EL PASO NATURAL G
-GODFREY OIL PROPERTIES			RECEIVED:	07/02/82	JA: OK				
8241982	15035	3509500000		108		AYLESWORTH UNIT A-1 #6A		1.5	PIONEER GAS PRODU
8241983	15036	3509500000		108		AYLESWORTH UNIT A-1 #7		1.6	PIONEER GAS PRODU
-GRAHAM EXPLORATION LTD DRILLING PAR			RECEIVED:	07/02/82	JA: OK				
8241966	16901	3504521010		102-4		STAHLMAN #1		751.5	DELHI GAS PIPE LI
-HOME PETROLEUM CORPORATION			RECEIVED:	07/01/82	JA: OK				
8241959	15107	3500700000		103		GABLER #7-2	E BOYD	292.0	KANSAS-NEBRASKA N
-HPC INC			RECEIVED:	07/01/82	JA: OK				
8241958	15108	3501121475		103		BAKER #1	SOUTH THOMAS	6.0	TRANSOK PIPE LINE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-HY-CARB ENERGY INC				RECEIVED:	07/02/82	JA: OK			
8241971	15259	3508321903		103		PLATER #1	NORTH PEAVINE FIELD	24.0	CHAMPLIN PETROLEU
-INTERNORTH INC				RECEIVED:	07/01/82	JA: OK			
8241941	14979	3500722185		103		DONNA 25 #1	INANHOE	300.0	INTERNORTH INC
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	07/01/82	JA: OK			
8241960	15103	3501722078		103		MASSEY #1	WATONGA TREND	500.0	OKLAHOMA GAS & EL
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	07/02/82	JA: OK			
8241976	15142	3500700000		108		CONNER #1	MOCANE	19.0	COLORADO INTERSTA
-KENNEDY & MITCHELL INC				RECEIVED:	07/02/82	JA: OK			
8241968	15261	3504520881		103		MILTON #32-492	UNDESIGNATED C SW	450.0	PANHANDLE EASTERN
-KETAL OIL PRODUCING CO				RECEIVED:	07/02/82	JA: OK			
8241969	15262	3503723518		103		EVANS "B" #1	VANDERSLICE	248.0	
-KWB OIL PROPERTY MANAGEMENT INC				RECEIVED:	07/02/82	JA: OK			
8241967	15263	3512120808		103		DAVENPORT #1	NORTHWEST REAMS	185.0	ARKANSAS LOUISIAN
-MACK OIL CO				RECEIVED:	07/01/82	JA: OK			
8241952	15190	3515321209		103		COVALT #1	N BOILING SPRINGS	175.0	DELHI GAS PIPELIN
8241951	15191	3501722162		103		PALMER #2	N EL RENO	130.0	
-MACK OIL CO				RECEIVED:	07/02/82	JA: OK			
8241972	15254	3501721878		103		GRELLNER #1	N W OKARCHE	0.0	PHILLIPS PETROLEU
-MACKELLAR INC				RECEIVED:	07/01/82	JA: OK			
8241955	15135	3510321203		103		HENTGES #2	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
8241954	15136	3510321126		103		JOHN #2	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
8241957	15133	3510321106		103		MARVIN #2	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
8241956	15134	3507323221		103		MITCHELL #2	SOONER TREND	0.0	CITIES SERVICE GA
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	07/01/82	JA: OK			
8241942	14862	3501521233		103		EAST BINGER UNIT #38-2	EAST BINGER	0.0	OKLAHOMA NATURAL
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	07/02/82	JA: OK			
8241978	15129	3513900000		108		BEAVER #1	GUYMON HUGOTON	0.0	PANHANDLE EASTERN
8241980	15127	3513900000		108		HAZE #1	GUYMON HUGOTON	0.0	PANHANDLE EASTERN
8241979	15128	3513900000		108		LES #1	GUYMON HUGOTON	0.0	PANHANDLE EASTERN
-RESOURCES INVESTMENT CORPORATION				RECEIVED:	07/02/82	JA: OK			
8241981	14821	3500722118		103		PUGH #1-27	N W ELMWOOD	21.5	PHILLIPS PETROLEU
-RICKS EXPLORATION CO				RECEIVED:	07/02/82	JA: OK			
8241974	18087	3501521085		102-2		JENNINGS #1	W GRACEMONT	1309.0	TENNESSEE GAS PIP
-SEARCH DRILLING CO				RECEIVED:	07/02/82	JA: OK			
8241986	17516	3512920719		102-2		GUENZEL #1-12	N E REYDON	164.0	ARKANSAS LOUISIAN
-SENECA OIL COMPANY				RECEIVED:	07/02/82	JA: OK			
8241975	13168	3501722026		102-4		BROWN-ADLER 2-8	PIEDMONT	1170.0	PHILLIPS PETROLEU
-SERVICE DRILLING CO				RECEIVED:	07/01/82	JA: OK			
8241950	18064	3507122565		102-2		CORP #1-19		183.0	CITIES SERVICE GA
8241948	13347	3507100000		102-2		GRAHAM #3-19	W SHIDLER	80.0	CITIES SERVICE CO
8241949	18065	3507122406		102-2		GRAHAM #4-19		183.0	CITIES SERVICE GA
8241945	14095	3507100000		102-2		THOMPSON #1-19		1275.0	CITIES SERVICE GA
-SOUTHLAND ROYALTY CO				RECEIVED:	07/02/82	JA: OK			
8241977	15139	3504221241		102-4	103	WARD #1-1	ORION	14.0	PHILLIPS PETROLEU
-TEXAS INTERNATIONAL PET CORP				RECEIVED:	07/01/82	JA: OK			
8241961	15402	3504722549		103		A PRIM #1	SOONER TREND	18.0	CITIES SERVICE CO
-TRANS-WESTERN EXPLORATION INC				RECEIVED:	07/02/82	JA: OK			
8241985	17388	3504321271		102-4		FRANZ #1-9	(UNNAMED)	800.0	PHILLIPS PETROLEU
8241984	17387	3504321271		102-4	103	WHISENANT #1-21	UNNAMED	400.0	PHILLIPS PETROLEU
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WEST VIRGINIA DEPARTMENT OF MINES									
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-ASHLAND EXPLORATION INC				RECEIVED:	07/06/82	JA: WV			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8241906		4701900421		108		CHRISTIAN COLLIERY #2 - 088721	PAINT CREEK	15.0	COLUMBIA GAS TRAN
-BRAXTON OIL AND GAS CORP				RECEIVED:	07/06/82	JA: WV			
8241900		4700701748		103		EDITH #1	BURNSVILLE 7.5	40.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED:	07/06/82	JA: WV			
8241908		4708100450		108		F F BANKS #4	TOWN	16.0	TENNESSEE GAS PIP
8241903		4708100464		108		F F BANKS #5	TOWN	16.0	TENNESSEE GAS PIP
8241904		4701900326		108		L MINTER #1	MT COVE	17.8	EQUITABLE GAS CO
8241915		4700500908		108		PEYTONA COAL LAND 37-1073	SHERMAN	14.0	TENNESSEE GAS PIP
8241907		4703903651		108		SILER COAL & LAND A-11	WASHINGTON	12.0	TENNESSEE GAS PIP
8241905		4706700519		108		WILLIAMS A-1	GRANT	3.2	EQUITABLE GAS CO
8241902		4708100460		108		WRISTON HEIRS #1	TOWN	18.0	TENNESSEE GAS PIP
-CARSON PETROLEUM CORP				RECEIVED:	07/06/82	JA: WV			
8241909		4701702800		108		B C NICHOLSON #1-B	ST CLAIR	20.0	COLUMBIA GAS TRAN
8241911		4701702845		108		CARSON-GUM #1	ST CLAIR	15.0	COLUMBIA GAS TRAN
8241912		4701702849		108		CARSON-GUM #2-B	ST CLAIR	15.0	COLUMBIA GAS TRAN
8241910		4701702821		108		COX-GAIN #3-A	ST CLAIR	20.0	COLUMBIA GAS TRAN
8241913		4701702763		108		FONCE BROWN #5-B	ST CLAIR	15.0	COLUMBIA GAS TRAN
8241914		4701702957		107-DV		SCHULTE #3	ST CLAIR	15.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	07/06/82	JA: WV			
8241916		4701702521		108		J-102	NEW MILTON	0.0	CONSOLIDATED GAS
8241917		4701702524		108		J-103	NEW MILTON	0.0	CONSOLIDATED GAS
8241930		4701702543		108		J-106	WEST UNION	0.0	COLUMBIA GAS TRAN
8241929		4701702548		108		J-107	WEST UNION	0.0	COLUMBIA GAS TRAN
8241928		4701702567		108		J-108	WEST UNION	0.0	COLUMBIA GAS TRAN
8241937		4701702654		108		J-111	NEW MILTON	0.0	CONSOLIDATED GAS
8241940		4701702603		108		J-129	NEW MILTON	0.0	CONSOLIDATED GAS
8241935		4701702786		108		J-130	NEW MILTON	0.0	CONSOLIDATED GAS
8241927		4701702606		108		J-171	NEW MILTON	0.0	COLUMBIA GAS TRAN
8241926		4701702625		108		J-232	CENTRAL	0.0	COLUMBIA GAS TRAN
8241925		4701702626		108		J-233	CENTRAL	0.0	COLUMBIA GAS TRAN
8241924		4701702627		108		J-234	CENTRAL	0.0	COLUMBIA GAS TRAN
8241919		4701702740		108		J-241	NEW MILTON	0.0	COLUMBIA GAS TRAN
8241918		4701702741		108		J-242	NEW MILTON	0.0	COLUMBIA GAS TRAN
8241920		4701702703		108		J-243	NEW MILTON	0.0	COLUMBIA GAS TRAN
8241922		4701702675		108		J-262	CENTRAL	0.0	COLUMBIA GAS TRAN
8241921		4701702681		108		J-263	CENTRAL	0.0	COLUMBIA GAS TRAN
8241923		4701702656		108		J-264	CENTRAL	0.0	COLUMBIA GAS TRAN
8241936		4701702736		108		J-279	NEW MILTON	0.0	CONSOLIDATED GAS
8241931		4701702802		108		J-287	NEW MILTON	0.0	CARNEGIE NATURAL
8241933		4701702762		108		J-288	NEW MILTON	0.0	CARNEGIE NATURAL
8241932		4701702790		108		J-299	NEW MILTON	0.0	CARNEGIE NATURAL
8241939		4701702604		108		J-86	GREENBRIER	0.0	CONSOLIDATED GAS
8241934		4701702487		108		J-93	CENTRAL	0.0	CARNEGIE NATURAL
8241938		4701702615		108		J-99	GRANT	0.0	CONSOLIDATED GAS
-STERLING DRILLING & PROD CO INC				RECEIVED:	07/06/82	JA: WV			
8241901		4701302963		108		FARRAR #108 SDP #108	WASHINGTON DISTRICT	20.0	COLUMBIA GAS TRAN
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
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-AMOCO PRODUCTION CO				RECEIVED:	07/06/82	JA: NM 4			
8242031	NM0389-82	3004524755		103		MADELINE N GALT "H" #1E	BASIN DAKOTA	18.0	SOUTHERN UNION GA
8242032	NM0390-82	3004525105		103		P O PIPKIN #2E	BASIN DAKOTA	0.0	EL PASO NATURAL G
8242034	NM0393-82	3003921453		103		SAN JUAN 29-4 UNIT #22	EAST BLANCO-PICTURED	120.0	NORTHWEST PIPELIN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8242033	NM0392-82	3003921845		103		SAN JUAN 29-4 UNIT #23	EAST BLANCO - PICTURE	42.0	NORTHWEST PIPELIN
-BLACKWOOD & NICHOLS CO LTD				RECEIVED:	07/06/82	JA: NM 4			
8242016	NM-0335-82	3004523484		107-TF		NORTHEAST BLANCO UNIT #202	SOUTH LOS PINOS FRUIT	200.0	EL PASO NATURAL G
-CHANCE DEVELOPMENT CO INC				RECEIVED:	07/06/82	JA: NM 4			
8242052	NM-0415-82	3004320276		108		GULF NAVAJO #2	RUSTY CHACRA	0.0	EL PASO NATURAL G
-CONOCO INC				RECEIVED:	07/06/82	JA: NM 4			
8242045	NM-0408-82	3003905219		108		AXI APACHE H #13	AXI APACHE AREA	10.0	GAS CO OF NEW MEX
8242047	NM-0410-82	3003920667		108		AXI APACHE N NO 9	AXI APACHE AREA	11.2	GAS CO OF NEW MEX
8242048	NM-0411-82	3003906108		108		AXI APACHE O #1	AXI APACHE AREA	15.2	GAS CO OF NEW MEX
8242049	NM-0412-82	3003920665		108		AXI APACHE O #3	AXI APACHE AREA	15.1	GAS CO OF NEW MEX
8242046	NM-0409-82	3002524788		108		JACK A-29 #8	NMFU-JALMAT YATES GAS	10.6	EL PASO NATURAL G
8242050	NM-0413-82	3003920139		108		JICARILLA 28 #7	WEST LINDRITH	9.9	EL PASO NATURAL G
8242056	NM 0419-82	3002527375		103		RUSSELL FEDERAL 17 #10	EAST MASON	15.0	PHILLIPS PETROLEU
8242051	NM-0414-82	3002510731		108		STEVENS B-15 #2	NMFU - JALMAT YATES G	19.2	EL PASO NATURAL G
8242055	NM 0418-82	3002527246		103		WARREN UNIT #88	NMFU - MCKEE	41.0	WARREN PETROLEUM
-CONSOLIDATED OIL & GAS INC				RECEIVED:	07/06/82	JA: NM 4			
8242028	NM-0385-82	3004523645		108		MITCHELL 1-E	BASIN DAKOTA	17.0	EL PASO NATURAL G
8242027	NM-0383-82	3004500000		108		WALZ #1	FULCHAR KUTZ PICTURED	17.0	SOUTHERN UNION GA
-DOME PETROLEUM CORP				RECEIVED:	07/06/82	JA: NM 4			
8242044	NM-0404-82	3004523303		108		DOME FEDERAL 24-26-13 #3	WAW FRUITLAND-PICTURE	3.0	EL PASO NATURAL G
8242001	NM0454-81	3004320485		103		DOME NAVAJO 28-22-7 #2	RUSTY CHACRA EXTENSIO	8.8	SOUTHWEST GAS COR
8242020	NM-0374-82	3004523525		108		FEDERAL 14-26-13 #3	WAW-FRUITLAND PICTURE	16.4	EL PASO NATURAL G
8242039	NM-0398-82	3004523187		108		FEDERAL 24 #1	NIPP PICTURE CLIFF	11.2	EL PASO NATURAL G
8242042	NM-0401-82	3004522653		108		FREW FEDERAL #13	NIPP PICTURED CLIFF	7.8	EL PASO NATURAL G
8242038	NM-0397-82	3004522652		108		FREW FEDERAL #14	WAW FRUITLAND - PICTU	11.3	EL PASO NATURAL G
8242040	NM-0399-82	3004523524		108		FREW FEDERAL #15	WAW FRUITLAND-PICTURE	4.7	EL PASO NATURAL G
8242043	NM-0402-82	3004522476		108		FREW FEDERAL #5	NIPP PICTURED CLIFF	10.6	EL PASO NATURAL G
8242019	NM0373-82	3004500000		108		FREW FEDERAL #6	NIPP PICTURE CLIFF	11.0	EL PASO NATURAL G
8242026	NM-0382-82	3004522651		108		FREW FEDERAL #8	NIPP PICTURED CLIFF	9.6	EL PASO NATURAL G
8242037	NM-0396-82	3004522655		108		FREW FEDERAL #9	NIPP PICTURED CLIFF	9.3	EL PASO NATURAL G
8242041	NM-0400-82	3004522658		108		HANLAD FEDERAL #2	WAW FRUITLAND-PICTURE	16.8	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	07/06/82	JA: NM 4			
8242002	NM1339-81	3004506281		108		BOLACK C #14 PC & MV	BLANCO - MESAVERDE &	22.0	EL PASO NATURAL G
8242012	NM0326-82	3004523875		107-TF		HOSTEEN NEZ BEGAY #1	BASIN DAKOTA	15.0	EL PASO NATURAL G
8242015	NM0329-82	3004523885		107-TF		NAGEEZI #5	BASIN DAKOTA	50.0	EL PASO NATURAL G
8242013	NM-0327-82	3004524252		107-TF		PAH #1	BASIN DAKOTA	76.0	EL PASO NATURAL G
8241993	NM0065-82-PB	3003907876		108-PB		SAN JUAN 30-6 UNIT #40X	BLANCO-MESAVERDE GAS	16.0	EL PASO NATURAL G
8241999	NM0078-82PB	3003906862		108-PB		SJ 27-4 UNIT #25	BLANCO-MESAVERDE GAS	12.0	EL PASO NATURAL G
8241992	NM0064-82PB	3003907191		108-PB		SJ 27-5 UNIT #61	BLANCO-MESAVERDE GAS	12.0	EL PASO NATURAL G
8242014	NM-0328-82	3004524454		107-TF		SOSE #1	BASIN DAKOTA	30.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:	07/06/82	JA: NM 4			
8242029	NM0386-82-A	3003922784		103		C W ROBERS #6A (BLANCO MV)	BLANCO MESAVERDE	350.0	EL PASO NATURAL G
8242030	NM0386-82-B	3003922784		103		C W ROBERTS #6A (OJITO GALLUP/DAK)	OJITO GALLUP/DAKOTA	150.0	EL PASO NATURAL G
8242036	NM0395-82	3002527480		103		MYERS LANGLIE MATTIX UNIT #164	LANGLIE MATTIX	29.6	EL PASO NATURAL G
8242035	NM0394-82	3002527483		103		MYERS LANGLIE MATTIX UNIT #184	LANGLIE MATTIX	23.4	EL PASO NATURAL G
-GREAT WESTERN DRILLING COMPANY				RECEIVED:	07/06/82	JA: NM 4			
8242003	NM0166-82107	3000560897		102-2	107-TF	QUAIL FEDERAL #2	UNDESIGNATED	394.0	TRANSWESTERN PIPE
-HELEN LORAINE HARVEY				RECEIVED:	07/06/82	JA: NM 4			
8242023	NM-0379-82	3004523910		108		JONES #3	AZTEC FRUITLAND AND B	1.0	EL PASO NATURAL G
-HNG OIL COMPANY				RECEIVED:	07/06/82	JA: NM 4			
8242008	NM0263-82	3002526729		102-2	103	BELL LAKE "11" FEDERAL #1	VACA DRAW WOLFCAMP	620.5	TRANSWESTERN PIPE
-MESA PETROLEUM CORP				RECEIVED:	07/06/82	JA: NM 4			
8242006	NM0252-82	3000561279		102-2	107-TF	COYOTE FEDERAL #7Y	UNDESIGNATED ABO	150.0	TRANSWESTERN PIPE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8242018	NM0364-82107	3000561345		102-2	107-TF	FOREMAN FEDERAL #4	PECOS SLOPE ABO-GAS	500.0	
8242025	NM038182107	3000561280		102-2	107-TF	HELEN FEDERAL COM #1	PECOS SLOPE ABO-GAS	500.0	
8242005	NM0251-82	3000561218		102-2	107-TF	HUGGINS FEDERAL #3	UNDESIGNATED ABO	360.0	TRANSWESTERN PIPE
8242017	NM0363-82107	3000561281		102-2	107-TF	LODEWICK FEDERAL #2	UNDESIGNATED ABO	70.0	TRANSWESTERN PIPE
-MTS LTD PARTNERSHIP				RECEIVED: 07/06/82 JA: NM 4					
8242011	NM0322-82	3000561259		102-2	107-TF	ALKALI FEDERAL #7	UNDESIGNATED ABO	10.0	TRANSWESTERN PIPE
8242004	NM0250-82102	3000561295		102-2	107-TF	ALKALI FEDERAL #9	UNDESIGNATED ABO	150.0	TRANSWESTERN PIPE
8242010	NM0321-82107	3000561236		102-2	107-TF	ALKALI FEDERAL COM #6	UNDESIGNATED ABO	350.0	TRANSWESTERN PIPE
8242009	NM0320-82	3000561303		102-2	107-TF	CHARLOTTE FEDERAL #3	UNDESIGNATED ABO	480.0	
8242007	NM0256-82	3000561320		102-2	107-TF	GERRY FEDERAL COM #2	UNDESIGNATED ABO	380.0	
8242024	NM038082107	3000561111		102-2	107-TF	LODEWICK FEDERAL COM #1	UNDESIGNATED ABO	450.0	TRANSWESTERN PIPE
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 07/06/82 JA: NM 4					
8241994	NM0068-82PB	3004521487		108-PB		HOLT UNIT #3	BLANCO PICTURED CLIFF	21.0	NORTHWEST PIPELIN
8241995	NM0069-82-PB	3003907963		108-PB		ROSA UNIT #16	BLANCO MV	0.0	EL PASO NATURAL G
8241996	NM0070-82PB	3003907955		108-PB		ROSA UNIT #19	BLANCO MV	15.0	NORTHWEST PIPELIN
8241997	NM0071-82PB	3003920712		108-PB		SAN JUAN 29-5 #68	BASIN DAKOTA	19.0	EL PASO NATURAL G
8242000	NM0080-82PB	3003921791		108-PB		SAN JUAN 30-5 #63	BLANCO PICTURED CLIFF	29.0	NORTHWEST PIPELIN
8241991	NM0063-82-PB	3003907778		108-PB		SAN JUAN 30-5 UNIT #34	BLANCO	0.0	NORTHWEST PIPELIN
8241989	NM0015-81-PB	3003907928		108-PB		SAN JUAN 31-6 #6	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8241998	NM0076-82PB	3004521545		108-PB		SAN JUAN 32-7 #28	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8241990	NM0062-82-PB	3003907908		108-PB		SJ 31-6 #17	BLANCO MV	0.0	EL PASO NATURAL G
-ROBERT GRIFFIN & ASSOCIATES				RECEIVED: 07/06/82 JA: NM 4					
8242057	NM 0421-82	3002727639		103		ARCO FEDERAL #1	SAWYER SAN ANDRES	11.0	WARREN PETROLEUM
8242058	NM 0422-82	3002527669		103		ARCO FEDERAL #2	SAWYER SAN ANDRES	29.0	WARREN PETROLEUM
-SUPRON ENERGY CORPORATION				RECEIVED: 07/06/82 JA: NM 4					
8242054	NM 0417-82	3004524458		103		ANGEL PEAK "B" 31	WILDCAT GALLUP	282.1	SOUTHERN UNION GA
-TENNECO OIL COMPANY				RECEIVED: 07/06/82 JA: NM 4					
8242053	NM 0416-82	3004524711		103		FIELDS 1E	BASIN DAKOTA	500.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED: 07/06/82 JA: NM 4					
8242021	NM0375-82	3000561225		102-2	107-TF	THORPE MI FEDERAL #4	UND ABO	0.0	TRANSWESTERN PIPE
8242022	NM037682107	3000561293		102-2	107-TF	THORPE MI FEDERAL #6	PECOS SLOPE--ABO GAS	0.0	TRANSWESTERN PIPE
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER,WY									
**********									
-HANSON OIL CORPORATION				RECEIVED: 07/06/82 JA: MT 5					
8241883	M 562-1	2500921164		103		HI-BUTTE FEDERAL #1	WEST DRY CREEK	328.0	MONTANA POWER CO
-MIDLANDS GAS CORPORATION				RECEIVED: 07/06/82 JA: MT 5					
8241884	M 566-1	2507121580		108		FEDERAL 1-30 3061	NORTH BOWDOIN	15.0	KANSAS-NEBRASKA N
-MONTANA-DAKOTA UTILITIES CO				RECEIVED: 07/06/82 JA: MT 5					
8241880	M 513-1	2507121673		108		R W STAPP 965	BOWDOIN	16.0	MONTANA-DAKOTA UT
-DONALD C SLAWSON				RECEIVED: 07/06/82 JA: ND 5					
8241882	ND 553-1	3310500858		103		T M TRIBAL #4-1	CLIMAX	0.0	PHILLIPS PETROLEU
-AMOCO PRODUCTION CO				RECEIVED: 07/06/82 JA: WY 5					
8241895	W 586-1	4900720380		103		WERTZ ABC UNIT #52	WERTZ - FLATHEAD	1.4	NORTHERN GAS CO
8241894	W 585-1	4900721494		103		WERTZ ABC UNIT #55 (TENSLEEP)	WERTZ-TENSLEEP	0.3	NORTHERN GAS CO
8241893	W 584-1	4903721519		103		WERTZ ABC UNIT #56A (TENSLEEP)	WERTZ - TENSLEEP	1.2	NORTHERN GAS CO
8241892	W 583-1	4903721558		103		WERTZ ABC UNIT #58 (TENSLEEP)	WERTZ - TENSLEEP	6.0	NORTHERN GAS CO
8241891	W 582-1	4903721646		103		WERTZ ABC UNIT #61 (TENSLEEP)	WERTZ - TENSLEEP	14.8	NORTHERN GAS CO
-EXXON CORPORATION				RECEIVED: 07/06/82 JA: WY 5					
8241885	W 576-1	4903920024		102-2		SOHARE FEDERAL UNIT #1-2L	WILDCAT	57.0	
8241886	W 577-1	4903920024		102-2		SOHARE FEDERAL UNIT #1-2U	WILDCAT	69.0	
-HPC INC				RECEIVED: 07/06/82 JA: WY 5					
8241889	W 580-1	4903721677		102-2		GREAT DIVIDE UNIT #8	GREAT DIVIDE	0.0	PANHANDLE EASTERN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-KEDCO MANAGEMENT CORP				RECEIVED:	07/06/82	JA: WY 5			
8241881	W 537-1	4902720539		102-4		FEDERAL #32-17A	BUCK CREEK	43.8	PHILLIPS PETROLEU
-LEXICON RESOURCES CORP				RECEIVED:	07/06/82	JA: WY 5			
8241890	W 581-1	4900921928		103		FEDERAL #12-35	FLAT TOP	43.4	PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	07/06/82	JA: WY 5			
8241897	W 589-1	4900526004		102-2		THUNDER CREEK FED H #1	SCHOOL CREEK	15.7	PANHANDLE EASTERN
8241896	W 588-1	4900526025		102-2		THUNDER CREEK FED I #1	SCHOOL CREEK	0.0	PANHANDLE EASTERN
-TXO PRODUCTION CO				RECEIVED:	07/06/82	JA: WY 5			
8241899	W 591-1	4904521710		103		SHERWIN FEDERAL #1	SHERWIN	52.0	PHILLIPS PETROLEU
-TRIGG DRILLING COMPANY INC				RECEIVED:	07/06/82	JA: WY 5			
8241888	W 579-1	4901321097		102-2		TRIBAL TRIGG #1-12	INDIAN BUTTE	80.0	MONTANA - DAKOTA
8241887	W 578-1	4901321102		103		TRIBAL TRIGG #1-5	EAST RIVERTON	145.0	MONTANA DAKOTA UT
-UNION OIL COMPANY OF CALIF				RECEIVED:	07/06/82	JA: WY 5			
8241898	W 590-1	4902521334		107-DP		WEST POISON SPIDER UNIT #36-B1C	WEST POISON SPIDER	424.0	KANSAS-NEBRASKA N

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before August 30, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA Seasonally affected
108–ER Enhanced recovery
108–PB Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–22138 Filed 8–12–82; 8:45 am]
BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 5, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
				RECEIVED: 07/07/82		JA: OH			
-ALLEN M ANDERSON									
8242059		3416725624		107-DV		VERNON BEAVER #2	GRANDVIEW	5.0	
				RECEIVED: 07/07/82		JA: OH			
-AMTEX OIL AND GAS INC									
8242062		3408120414		103		BIGLER OTT #1	RICHMOND	700.0	
8242061		3406720517		103		GERALD I & MARY J HILLIARD #1	SALEM	0.0	COLUMBIA GAS TRAN
8242065		3416922174		103	107-TF	H & A WENGERD #2	PAINT	300.0	
8242064		3416922171		103	107-TF	H HUMMEL #1	PAINT	300.0	
8242063		3416922170		103	107-TF	H HUMMEL #2	WILMOT	300.0	
8242066		3416922733		103	107-TF	KEISTER UNIT #1	WILMOT	300.0	
8242060		3408120415		103		OTT BIGLER BUFFONE #1	RICHMOND	700.0	
				RECEIVED: 07/07/82		JA: OH			
-APPALACHIAN ENERGY INC									
8242067		3401320336	D	107-TF		CHARLES CARUTH #1 AE-183	PULTNEY	25.0	COLUMBIA GAS TRAN
8242068		3401320348	D	107-TF		HERMAN PFRONGER #1 AE-193	PEASE	25.0	COLUMBIA GAS TRAN
				RECEIVED: 07/07/82		JA: OH			
-ATLAS ENERGY GROUP INC									
8242070		3415521954		102-2	107-TF	ARTMAN #2	KINSMAN	15.0	COLUMBIA GAS TRAN
8242076		3415522127		102-2	107-TF	GIRL SCOUTS #1	VERNON	8.0	COLUMBIA GAS TRAN
8242073		3706322128		102-2	107-TF	GIRL SCOUTS #2	TRUMBULL	9.0	COLUMBIA GAS TRAN
8242074		3415522129		102-2	107-TF	GIRL SCOUTS #3	VERNON	29.0	COLUMBIA GAS TRAN
8242069		3415521558		102-2	107-TF	KUZMICK #2	JOHNSTON	26.0	COLUMBIA GAS TRAN
8242071		3415522017		102-2	107-TF	RAH UNIT #1	HARTFORD	12.0	COLUMBIA GAS TRAN
8242072		3415522116		102-2	107-TF	STEVEN #1	HARTFORD	16.0	COLUMBIA GAS TRAN
8242075		3415522157		102-2	107-TF	STEVENS UNIT #2	HARTFORD	31.0	COLUMBIA GAS TRAN
				RECEIVED: 07/07/82		JA: OH			
-AUSTIN DEVELOPMENT CO									
8242077A		3408323091		103		CENTURY #2	BRINKHAVEN	50.0	EAST OHIO GAS CO
8242077B		3408323091	D	107-TF		CENTURY #2	BRINKHAVEN	50.0	EAST OHIO GAS CO
				RECEIVED: 07/07/82		JA: OH			
-BANDS COMPANY INC									
8242078		3407523245		107-TF		BIRD #3	HARDY	1.0	COLUMBIA GAS TRAN
8242079		3407523246		107-TF		BIRD #4	HARDY	1.3	COLUMBIA GAS TRAN
				RECEIVED: 07/07/82		JA: OH			
-BARTLO OIL AND GAS COMPANY									
8242083		3415321093		103	107-TF	A DICRESCE #2	WEST RICHFIELD	10.0	
8242080		3410322866		103	107-TF	D WAGAR #1	WADSWORTH	8.0	
8242082		3410323049		103	107-TF	SCHMIDT UNIT #1	WEST RICHFIELD	25.0	
8242081		3410323012		103	107-TF	SERFASS UNIT #2	WADSWORTH	12.0	
				RECEIVED: 07/07/82		JA: OH			
-BELDEN & BLAKE OIL PRODUCTION									
8242084		3415722896		108		W SIMLER #1 1-0799		3.0	
				RECEIVED: 07/07/82		JA: OH			
-BERMAN J SHAFER									
8242218		3401320375		107-DV		D & E RUSHIN #1	SOMERSET	7.5	COLUMBIA GAS TRAN
8242217		3401320374		107-DV		H MANN #2	SOMERSET	7.5	COLUMBIA GAS TRAN
				RECEIVED: 07/07/82		JA: OH			
-BLAUSER WELL SERVICE INC									
8242085		3410522250		103		JOSEPH K CONNOLLY #1	COOLVILLE	13.0	COLUMBIA GAS TRAN
8242086		3410522250		107-DV		JOSEPH K CONNOLLY #1	COOLVILLE	13.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BUCKEYE CRUDE EXPLORATION INC				RECEIVED: 07/07/82		JA: OH			
8242088		3400924172		108		A GIFFEN #1		18.9	GAS TRANSPORT INC
8242093		3400925346		108		A GIFFEN #2		14.3	GAS TRANSPORT INC
8242094		3400925542		108		A GIFFEN #3		14.2	GAS TRANSPORT INC
8242095		3400925543		108		A GIFFEN #4		14.2	GAS TRANSPORT INC
8242089		3400924878		108		BROWN #2		9.7	GAS TRANSPORT INC
8242091		3400925148		108		CRADDOCK #1		37.2	GAS TRANSPORT INC
8242090		3400924879		108		JONES #1		37.8	GAS TRANSPORT INC
8242092		3400925211		108		NOAH/GIFFEN #1		7.1	GAS TRANSPORT INC
-BUCKEYE OIL PRODUCING CO				RECEIVED: 07/07/82		JA: OH			
8242096		3415121032		108		LAPP COMMUNITY #1		13.0	EAST OHIO GAS CO
-CAVENDISH PETROLEUM OF OHIO INC				RECEIVED: 07/07/82		JA: OH			
8242097		3411925039		108		OHIO POWER S4-MH		6.0	EAST OHIO GAS CO
-COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED: 07/07/82		JA: OH			
8242098		3416727003		107-DV		WATSON #1	LUDLOW	11.0	COLUMBIA GAS TRAN
-CYCLOPS CORP				RECEIVED: 07/07/82		JA: OH			
8242099		3403124422		103	107-TF	H STINE #1	LAFAYETTE	10.0	
-EDCO DRILLING & PRODUCING INC				RECEIVED: 07/07/82		JA: OH			
8242114		3416921916		108		CANANKAMP JS-1A		18.0	COLUMBIA GAS TRAN
8242115		3416921931		108		CANANKAMP JS-2A		18.0	COLUMBIA GAS TRAN
8242101		3403122778		108		CULLISON JS-1A		18.0	COLUMBIA GAS TRAN
8242102		3403122811		108		CULLISON JS-2A		18.0	COLUMBIA GAS TRAN
8242109		3407522244		108		DAGGON ED-1A		18.0	COLUMBIA GAS TRAN
8242108		3405320261		108		GALLIPOLIS STATE HOSPITAL ED-1A		18.0	COLUMBIA GAS TRAN
8242110		3408322245		108		GREEN JS-1B		18.0	COLUMBIA GAS TRAN
8242111		3408322251		108		GREEN JS-2B		18.0	COLUMBIA GAS TRAN
8242104		3403123063		108		HARMON SC-1B	COSHOCTON	18.0	COLUMBIA GAS TRAN
8242107		3403123783		108		HARMON SM-2B		18.0	COLUMBIA GAS TRAN
8242116		3416922108		108		HOFSTETER MO-1A		18.0	COLUMBIA GAS TRAN
8242113		3411924195		108		LAKE SC-1A		18.0	COLUMBIA GAS TRAN
8242112		3411924194		108		LAKE SC-2A		18.0	COLUMBIA GAS TRAN
8242103		3403123013		108		PEABODY COAL DW-1A		18.0	COLUMBIA GAS TRAN
8242105		3403123064		108		SHAE DW-1A		18.0	COLUMBIA GAS TRAN
8242106		3403123429		108		SHAW MO-2A		18.0	COLUMBIA GAS TRAN
-ENERGY UNLIMITED INC				RECEIVED: 07/07/82		JA: OH			
8242119		3400922414		103		DOUGLAS #1	LODI TWP	6.0	COLUMBIA GAS TRAN
8242121		3400922478		103		ELSEA #2	LODI TWP	6.0	COLUMBIA GAS TRAN
8242120		3400922547		103		GOLDSBERRY #3	LODI TWP	6.0	COLUMBIA GAS TRAN
8242122		3400922548		103		JONES #2	LODI TOWNSHIP	6.0	COLUMBIA GAS TRAN
8242117		3400922506		103		KERKIAN #1	CARTHAGE TWP	6.0	COLUMBIA GAS TRAN
8242118		3400922508		103		L KING #1	LODI TWP	6.0	COLUMBIA GAS TRAN
-GASEARCH INC				RECEIVED: 07/07/82		JA: OH			
8242129		3400721856		103	107-TF	DELMUL #4	CHERRY VALLEY	20.0	AMERICAN ENERGY S
8242130		3415518530		103	107-TF	LANCASTER UNIT #1	FARMINGTON	20.0	AMERICAN ENERGY S
-GEO ENERGY INC				RECEIVED: 07/07/82		JA: OH			
8242133		3411926234		107-TF		FRED ATKINSON #17-1	HIGHLAND	15.0	COLUMBIA GAS TRAN
8242131		3403521134		107-TF		FUAD SHAKER UNIT #1	WEST VIEW	10.0	COLUMBIA GAS OF O
8242132		3405923312		107-TF		RICHARD STRAUSS #15-1	ADAMS	16.0	COLUMBIA GAS TRAN
-GLACIER ENERGY CORP				RECEIVED: 07/07/82		JA: OH			
8242138		3410522264		107-TF		ATKINS #1	SCIPIO	6.0	COLUMBIA GAS TRAN
8242139		3410522265		107-TF		BRADFIELD #1	SCIPIO	7.0	COLUMBIA GAS TRAN
8242140		3410522266		107-TF		GOEGLEIN #1	POMEROY	10.0	COLUMBIA GAS TRAN
8242136		3410522158		107-TF		HEBNER #2	SCIPIO	9.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8242137		3410522171		107-TF		HOWARD #1	RUTLAND	25.0	COLUMBIA GAS TRAN
8242135		3410522093		107-TF		RON SMITH #1	SALISBURY	11.0	COLUMBIA GAS TRAN
8242134		3400922305		107-TF		WAGNER #1	AMES	9.0	COLUMBIA GAS TRAN
-GNC ENERGY CORP				RECEIVED: 07/07/82 JA: OH					
8242125		3411522615		107-TF		JOE & DOROTHY NICESWANGER #1	ROKEBY LOCK	15.0	
8242123		3411522494		107-TF		KENNETH & BARBARA NICHOLS #1	RINGGOLD	15.0	
8242127		3411522707		107-TF		PAUL & VELMA NICHOLS #2	RINGGOLD	15.0	
8242128		3411522708		107-TF		PAUL & VELMA NICHOLS #3	RINGGOLD	15.0	
8242124		3411522495		107-TF		STEVE & LINDA NICHOLS #1	RINGGOLD	15.0	
8242126		3411522703		107-TF		WM & CARROLL MOORE #2	ROKEBY LOCK	15.0	
-GUERNSEY PETROLEUM CORPORATION				RECEIVED: 07/07/82 JA: OH					
8242141		3405921641		108		OHIO POWER 42-C		400.0	EAST OHIO GAS CO
-H B B ENERGY CO				RECEIVED: 07/07/82 JA: OH					
8242142		3413322794		107-TF		HEIMANN-BATTAGLIA BECKWITH #1	KENT	15.0	COLUMBIA GAS OF O
-HERALD OIL & GAS CO				RECEIVED: 07/07/82 JA: OH					
8242143		3405320754		107-TF		LUTHER LEMLEY #1	ADDISON	0.0	COLUMBIA GAS TRAN
8242144		3410522403		107-TF		WALLACE BRADFORD #1	POMEROY	0.0	COLUMBIA GAS TRAN
-J D DRILLING CO				RECEIVED: 07/07/82 JA: OH					
8242145		3410522218		107-DV		GOLDIE CLENDENIN #1	PORTLAND	8.0	COLUMBIA GAS TRAN
-JAMES E DIDDLE				RECEIVED: 07/07/82 JA: OH					
8242100		3410522369		107-DV		GEORGE SELLERS #1	RAVENSWOOD	9.0	COLUMBIA GAS TRAN
-JOHN C MASON				RECEIVED: 07/07/82 JA: OH					
8242194		3403123201		108		CONKLE ESTATE 1C		40.0	COLUMBIA GAS TRAN
8242193		3403123089		108		HIPP-STEIMEL #1		15.0	COLUMBIA GAS TRAN
8242195		3403123467		108		HIPP-STEIMEL #2		15.0	COLUMBIA GAS TRAN
8242196		3407522267		108		RAYMOND F PATTERSON #2		18.0	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC				RECEIVED: 07/07/82 JA: OH					
8242146		3401921298		103	107-TF	EVANS #3	ORANGE	0.0	
8242155		3415723399		103	107-TF	F B PYLE #1	PERRY	0.0	
8242156		3415723400		103	107-TF	F B PYLE #2	PERRY	0.0	
8242150		3413322302		103	107-TF	FEAR #1	FREEDOM	0.0	REPUBLIC STEEL CO
8242151		3413322303		103	107-TF	FEAR #2	FREEDOM	0.0	REPUBLIC STEEL CO
8242153		3415522304		103	107-TF	FEAR #3	FREEDOM	0.0	REPUBLIC STEEL CO
8242149		3413321967		103	107-TF	K OF C UNIT #1	STREETSBORO	0.0	
8242154		3415723398		103	107-TF	MONROE #1	PERRY	0.0	
8242147		3413321904		103	107-TF	OSTETRICO UNIT #1	STREETSBORO	0.0	
8242148		3413321905		103	107-TF	PAGE UNIT #1	STREETSBORO	0.0	
8242152		3415320861		103	107-TF	STAIGER-ADLESIC #1	STOW	0.0	REPUBLIC STEEL CO
8242158		3415723560		103	107-TF	ZURCHER #1	YORK	0.0	
8242157		3415723559		103	107-TF	ZURCHER #2	YORK	0.0	
-KERN CO				RECEIVED: 07/07/82 JA: OH					
8242159		3406720354		108		DENNING #1		37.0	COLUMBIA GAS TRAN
-KRAMER EXPLORATION CO				RECEIVED: 07/07/82 JA: OH					
8242168		3410522279		103	107-TF	BARTON #1	POMEROY	12.0	COLUMBIA GAS TRAN
8242166		3410522243		107-TF		BRICKLES #1	POMEROY	12.0	COLUMBIA GAS TRAN
8242172		3410522315		103	107-TF	EBERTS #1	SHADE	12.0	COLUMBIA GAS TRAN
8242165		3405320725		103	107-TF	FRENCH #2	ADDISON	1.5	COLUMBIA GAS TRAN
8242170		3410522281		103	107-TF	GOEGLEIN #2	POMEROY	12.0	COLUMBIA GAS TRAN
8242164		3405320608		103	107-TF	GROVER-LEASURE #1	ADDISON	10.0	COLUMBIA GAS TRAN
8242167		3410522277		103	107-TF	HYSELL #1	POMEROY	12.0	COLUMBIA GAS TRAN
8242173		3410522346		103	107-TF	LUTZ #1	SHADE	15.0	COLUMBIA GAS TRAN
8242171		3410522314		103	107-TF	PERRY #1	SHADE	12.0	COLUMBIA GAS TRAN
8242169		3410522280		107-TF		ROBINSON #1	POMEROY	12.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8242161		3405320536		103	107-TF	TYLER-BAYLOR #1	ADDISON	15.0	COLUMBIA GAS TRAN
8242160		3405320535		107-TF		TYLER-BAYLOR #2	ADDISON	6.0	COLUMBIA GAS TRAN
8242162		3405320537		107-TF		TYLER-BAYLOR #3	ADDISON	6.0	COLUMBIA GAS TRAN
8242163		3405320559		103	107-TF	TYLER-BAYLOR #4	ADDISON	8.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED:	07/07/82	JA: OH			
8242176		3412724628		108		ARKOUSE #4		12.0	COLUMBIA GAS TRAN
8242174		3412724305		108		FLAPS #1		7.3	FORAKER GAS CO
8242177		3412724729		108		FRANCIS METZGER #1		3.5	FORAKER GAS CO
8242175		3412724314		108		NEIL ADCOCK #1		18.3	COLUMBIA GAS TRAN
-L & S OIL & GAS				RECEIVED:	07/07/82	JA: OH			
8242178		3416724603		108		RICHARDSON #1		4.0	COLUMBIA GAS TRAN
-M B OPERATING CO INC				RECEIVED:	07/07/82	JA: OH			
8242188		3415123005		107-TF		A & M MCDONALD #1	SUGAR CREEK	7.3	REPUBLIC STEEL CO
8242189		3415123013		107-TF		M & L GARMAN #1	SUGAR CREEK	18.3	COLUMBIA GAS TRAN
8242191		3415723324		107-TF		N & C FRY #1	SUGAR CREEK	27.4	REPUBLIC STEEL CO
8242187		3415123004		107-TF		P & I MILLER UNIT #1	LAKE	7.3	REPUBLIC STEEL CO
8242190		3415123017		107-TF		R & A JONES #1	TUSCARAWAS	54.8	REPUBLIC STEEL CO
8242185		3413321893		107-TF		R & B BLACK UNIT #1	SUFFIELD	7.3	REPUBLIC STEEL CO
8242192		3415723354		107-TF		R & D CROSS #1	LAWRENCE	29.2	REPUBLIC STEEL CO
8242186		3415122981		107-TF		W & M BYLER UNIT #1	LAKE	29.2	REPUBLIC STEEL CO
-MAJ				RECEIVED:	07/07/82	JA: OH			
8242184		3414520297		107-DV		AUTIE & ELIZA CONLEY #4A	LUCASVILLE	4.7	
8242180		3414520279		107-DV		ELIZABETH KIRBY #1	LUCASVILLE	2.0	
8242183		3414520293		107-DV		LENORA JOHNSON #1	LUCASVILLE	5.2	
8242181		3414520290		107-DV		RUSSELL & WILMA KUNTZMAN #1	LUCASVILLE	4.2	
8242182		3414520291		107-DV		WAYNE & CAROL WELLS #1	STOCKDALE	4.5	
-MORGAN JOINT VENTURE				RECEIVED:	07/07/82	JA: OH			
8242197		3411522667		103	107-TF	JOHN & PAT NEMETH #1	MALTA	12.0	
-OHIO INDUSTRIAL GAS CO				RECEIVED:	07/07/82	JA: OH			
8242199		3411521185		108		ALICE MAE DAVIS #2	BRISTOL	12.0	COLUMBIA GAS TRAN
8242200		3411521187		108		FRANK HARDESTY #1	BRISTOL	3.0	COLUMBIA GAS TRAN
8242198		3411521177		108		IVAN MORRIS #1	BRISTOL	19.5	COLUMBIA GAS TRAN
8242201		3411512940		108		LEONA REX #1	BRISTOL	8.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED:	07/07/82	JA: OH			
8242202		3408322972		103		ROBERT LEPLEY #1	BUTLER	10.0	
-PEERLESS/TRANSATLANTIC OHIO 82				RECEIVED:	07/07/82	JA: OH			
8242204		3400721466		103	107-TF	MORRIS #P-1	ORWELL	27.0	EAST OHIO GAS CO
8242205		3400721662		103	107-TF	NIMS #P-3	COLEBROOK	40.0	EAST OHIO GAS CO
8242207		3400721983		103	107-TF	PARKER #P-1	ORWELL	30.0	EAST OHIO GAS CO
8242206		3400721982		103	107-TF	YUNKMAN #P-1	COLEBROOK	27.0	EAST OHIO GAS CO
-POI ENERGY INC				RECEIVED:	07/07/82	JA: OH			
8242203		3413320884		108		C CORBETT #1		2.7	
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED:	07/07/82	JA: OH			
8242087		3405320644		103	107-TF	BRASEL - STEWART #3	CHESHIRE	2.0	COLUMBIA GAS TRAN
8242228		3405306430		103	107-TF	BRASEL-STEWART #2	CHESHIRE	2.0	COLUMBIA GAS TRAN
-REPUBLIC MINERAL CORP				RECEIVED:	07/07/82	JA: OH			
8242211		3416769380		107-DV		HENNIGER #9	SIMMONS	4.4	COLUMBIA GAS OF O
8242210		3416768550		107-DV		SCHWENDEMAN #2	SIMMONS	6.8	COLUMBIA GAS OF O
-REPUBLIC OIL CO				RECEIVED:	07/07/82	JA: OH			
8242212		3408323073		103		HANNA #1	WALHONDING	12.0	COLUMBIA GAS TRAN
-RICHARD C POLING				RECEIVED:	07/07/82	JA: OH			
8242209		3412725646		103		PARGEON #1	CLAYTON	5.0	
8242208		3412725501		103		WALTER KOPPY #1	MADISON	5.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ROYAL PETROLEUM 81-IV LTD				RECEIVED:	07/07/82	JA: OH			
8242213		3410522311		103		C SMITH #1	BEDFORD	5.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED:	07/07/82	JA: OH			
8242214		3416727150		107-DV		GEORGE SHAPLEY #7	NEW MATAMORAS	10.9	
8242215		3416727151		107-DV		GEORGE SHAPLEY #8	NEW MATAMORAS	18.2	
-SEIBERT OIL & GAS INC				RECEIVED:	07/07/82	JA: OH			
8242216		3413322793		107-TF		HEIMANN - BATTAGLIA - BECKWITH #2	KENT	15.0	COLUMBIA GAS OF O
-TEMPLE OIL & GAS CO				RECEIVED:	07/07/82	JA: OH			
8242225		3411522768		107-TF		BENINCASA - DILLEY #1	ROKEBY LOCK	10.0	
8242220		3411522207		107-TF		DELMER MCCORMICK #1	DEERFIELD	8.0	
8242223		3411522508		107-TF		ISAAC SMITH #11	YORK	8.0	
8242224		3411522509		107-TF		ISAAC SMITH #12	YORK	8.0	
8242221		3411522209		107-TF		IVA PORTER #1	DEERFIELD	8.0	
8242222		3411522226		107-TF		PORTER-KIRKWOOD #3	YORK	10.0	
-TIGER OIL INC				RECEIVED:	07/07/82	JA: OH			
8242226		3416726332		107-DV		ALMA SCHNEIDER #1	INDEPENDENCE	6.0	COLUMBIS GAS TRAN
-VICTOR PETROLEUM CORP				RECEIVED:	07/07/82	JA: OH			
8242227		3407523653		103		COLE KAESGAN #9	KILLBUCK	29.0	COLUMBIA GAS TRAN
-W E SHRIDER CO				RECEIVED:	07/07/82	JA: OH			
8242219		3412734439		103		JOHNNIE WALKER #4	MONDAY CREEK	3.0	PARAMOUNT TRANSMI
-W J LYDIC INC				RECEIVED:	07/07/82	JA: OH			
8242179		3408322980		103		MENUEZ #1	JEFFERSON	35.0	EAST OHIO GAS CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before August 30, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–22139 Filed 8–12–82; 8:45 am]
BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 5, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ABCO ENERGY CORP				RECEIVED:	07/14/82	JA: TX			
8243315	F-02-048168	4217531587		102-4	103	B L WILLIAMS #1	FANNIN S (3650')	259.2	HOUSTON PIPE LINE
8243316	F-02-048169	4217531506		102-4	103	L SEELIGSON #1	FANNIN S (TAG) (PROPO	252.0	HOUSTON PIPE LINE
-AMAX PETROLEUM CORPORATION				RECEIVED:	07/14/82	JA: TX			
8243345	F-03-050700	4215731304		102-4	103	VERNA B CRIDER GU #2 WELL #1	KATY S (FIRST WILCOX)	1275.0	HOUSTON PIPE LINE
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	07/14/82	JA: TX			
8243384	F-8A-052451	4244531051		102-4		HARRED 3A-92	SEC 92 BLK T D&W RR C	0.0	
-AMOCO PRODUCTION CO				RECEIVED:	07/14/82	JA: TX			
8243383	F-03-052428	4205131778		102-4		DON DILLON #2	CALDWELL (AUSTIN CHAL	36.0	FERGUSON CROSSING
8243395	F-06-053022	4240131409		102-4	107-TF	IONA FAYE ARMSTRONG GU #1	HENDERSON NORTH (COTT	262.0	VALERO TRANSMISSI
8243275	F-10-046198	4221131224		103		J C VOLLMERT #4L	MENDOTA NW (GRANITE W	98.0	PANHANDLE EASTERN
8243367	F-04-052037	4235531872		103		J W BLUMBERG #14	AGUA DULCE/7550/	105.9	AMOCO GAS CO
8243366	F-04-052036	4235531805		103		JANE W BLUMBERG #13	AGUA DULCE/7850/	204.4	AMOCO GAS CO
8243332	F-04-049474	4248930676		103		LEONORA C RAYMOND #3-C	WILLAMAR WEST MIOCENE	1752.0	NATURAL GAS PIPEL
8243333	F-04-049475	4248930676		103		LEONORA C RAYMOND 3-T	WILLAMAR WEST MIOCENE	1423.5	NATURAL GAS PIPEL
8243358	F-06-051743	4220330892		102-4	107-TF	MOHON GAS UNIT #1	BLOCKER (COTTON VALLE	0.0	UNITED GAS PIPELI
8243360	F-03-051813	4203931700		102-4		OLD OCEAN UNIT #230	OLD OCEAN (13920)	1415.8	
-ANDOVER OIL COMPANY				RECEIVED:	07/14/82	JA: TX			
8243513	F-7B-053639	4208332232		103		DR E L KNOX "A" #1	BURKETT SW (DUFFER)	15.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	07/14/82	JA: TX			
*8243372	F-8A-052163	4250132004		103		WILLARD UNIT #117-D	WASSON	7.0	SHELL OIL CO
*8243371	F-8A-052162	4250132090		103		WILLARD UNIT #153-C	WASSON	3.0	SHELL OIL CO
*8243374	F-8A-052165	4250132001		103		WILLARD UNIT #153-D	WASSON	11.0	SHELL OIL CO
*8243376	F-8A-052168	4250132087		103		WILLARD UNIT #169-C	WASSON	15.0	SHELL OIL CO
*8243377	F-8A-052169	4250132002		103		WILLARD UNIT #169-D	WASSON	6.0	SHELL OIL CO
*8243375	F-8A-052167	4250132086		103		WILLARD UNIT #171-C	WASSON	22.0	SHELL OIL CO
*8243373	F-8A-052164	4250132005		103		WILLARD UNIT #97-D	WASSON	1.8	SHELL OIL CO
-ASTIN CORP				RECEIVED:	07/14/82	JA: TX			
8243334	F-7B-049629	4208332795		102-4		JACK CRENSHAW #1	HEMPHILL (JENNINGS)	342.0	ODESSA NATURAL CO
-AUBREY C BLACK				RECEIVED:	07/14/82	JA: TX			
8243258	F-02-038723	4246900000		102-4		HERMAN DIETZEL ESTATE #1	COLETTO CREEK EAST (2	0.0	DELHI GAS PIPELIN
-BENNETT & GUINN INC				RECEIVED:	07/14/82	JA: TX			
8243297	F-09-047782	4250335253		103		F A HOWETH #1	RICE (CONGL)	100.0	LONE STAR GAS CO
-C F LAWRENCE & ASSOC INC				RECEIVED:	07/14/82	JA: TX			
8243379	F-7C-052278	4210500000		103		TODD "U" #1	TODD W (SAN ANDRES)	0.0	APACHE GAS CORP
-CASHCO OIL CO				RECEIVED:	07/14/82	JA: TX			
8243255	F-03-0351152	4218530239		102-2		FLORA I JOHNSON "A" #7	HILL (BUDA)	0.0	LONE STAR GAS CO
8243263	F-03-042405	4218530293		102-4		SCAMARDO #2	IOLA (SUB CLARKSVILLE	0.0	LONE STAR GAS CO
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	07/14/82	JA: TX			
8243313	F-03-047968	4205100000		102-2	103	DELBERT ZGABAY #2	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
8243330	F-04-049438	4227300000		108		G P WARDNER #28	STRATTON	10.7	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
8243287	F-03-047081	4205100000		102-2	103	HERMAN SCHULTZ #2	WILDCAT (NAVARRO SAND	0.0	FERGUSON CROSSING
-CHEVRON U S A INC				RECEIVED:		07/14/82 JA: TX			
8243475	F-8A-053501	4241532188		103		SACROC UNIT #124-10	KELLY-SNYDER	56.0	EL PASO NATURAL G
8243476	F-8A-053502	4241532174		103		SACROC UNIT #15-10	KELLY-SNYDER	22.0	EL PASO NATURAL G
8243477	F-8A-053503	4241532149		103		SACROC UNIT #62-10	KELLY-SNYDER	48.0	EL PASO NATURAL G
-CHISOS OPERATING INC				RECEIVED:		07/14/82 JA: TX			
8243499	F-08-053600	4237100000		108		STATE RIVERBED D #1	ABELL (MCKEE WOFFORD)	13.0	PERRY GAS PROCESS
-CIRCLE SEVEN PRODUCTION CO				RECEIVED:		07/14/82 JA: TX			
8243361	F-09-051838	4223700000		102-4		ALTON LEWIS #1	HFL (CONGL)	300.0	LONE STAR GAS CO
-CITIES SERVICE COMPANY				RECEIVED:		07/14/82 JA: TX			
8243421	F-8A-053360	4216531984		103		WEST SEMINOLE SAN ANDRES UT #1213	SEMINOLE WEST	26.0	CITIES SERVICE CO
8243419	F-8A-053358	4216532303		103		WEST SEMINOLE SAN ANDRES UT #1311	SEMINOLE WEST	16.0	CITIES SERVICE CO
8243420	F-8A-053359	4216532302		103		WEST SEMINOLE SAN ANDRES UT #1312	SEMINOLE WEST	16.0	CITIES SERVICE CO
8243422	F-8A-053361	4216532300		103		WEST SEMINOLE SAN ANDRES UT #1314	SEMINOLE WEST	14.0	CITIES SERVICE CO
-CLAYTON W WILLIAMS JR				RECEIVED:		07/14/82 JA: TX			
8243290	F-03-047410	4205100000		102-2		MARY GOLD #2	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
-CONOCO INC				RECEIVED:		07/14/82 JA: TX			
8243491	F-7B-053577	4243331389		103		ARTHUR BRINKLEY -A #47 ID #04263	FLOWERS/CANYON SAND/	4.0	CITIES SERVICE CO
8243393	F-08-052911	4238900000		108		FORD-GERALDINE UNIT #161 ID#21021	GERALDINE/FORD/	0.9	EL PASO NATURAL G
8243262	F-08-042111	4200300000		108		MUNGER NIX #14 ID #10694	FUHMAN-NIX	2.0	PHILLIPS PETROLEU
8243408	F-7B-053169	4215131483		103		ROUND TOP PALO PINTO #167	ROUND TOP/PALO PINTO	23.4	LONE STAR GAS CO
-COQUINA OIL CORPORATION				RECEIVED:		07/14/82 JA: TX			
8243317	F-10-048217	4248330919		107-DP		IMO WOODS #1	KEY UPPER MORROW	2555.0	EL PASO NATURAL G
-COSTA RESOURCES INC				RECEIVED:		07/14/82 JA: TX			
8243267	F-08-043722	4210332684		103		ROGERS #1	COSTA (TUBB)	36.5	PERRY GAS PROCESS
-CUMMINS & WALKER OIL CO INC				RECEIVED:		07/14/82 JA: TX			
8243355	F-03-051649	4207100000		102-4	103	G W GRAHAM #1-C	JERGINS (5400)	200.0	HOUSTON PIPE LINE
-DAVIS BROTHERS				RECEIVED:		07/14/82 JA: TX			
8243411	F-7B-053209	4205933502		102-4		ALBERT BETCHER "D" #1 (18132)	TURNAROUND (GRAY SAND	12.0	UNION TEXAS PETRO
8243409	F-7B-053207	4205900000		102-4		LOWELL JOHNSON #1 (17736)	TURNAROUND (GRAY SAND	18.0	UNION TEXAS PETRO
8243410	F-7B-053208	4205933489		102-4		LOWELL JOHNSON #2 (17736)	TURNAROUND (GRAY SAND	28.0	UNION TEXAS PETRO
-DIAMOND SHAMROCK CORPORATION				RECEIVED:		07/14/82 JA: TX			
8243273	F-10-045863	4209531012		103		GEORGE E TRAVIS "A" #1	STUART RANCH	343.0	
8243516	F-10-053648	4229531075		103		HARRY L KING 506 #2	LIPSCOMB SW	255.0	
8243464	F-10-053479	4235700000		107-TF		LELAND E MEKEEL "B" #1	PARSELL (LOWER MORROW	159.0	SOUTHWESTERN PUBL
8243515	F-10-053647	4221131391		103		VERA M MURRAY #6	HIGGINS W	3.0	
-ED HENDERSON INTEREST OWNER				RECEIVED:		07/14/82 JA: TX			
8243269	F-7B-043924	4209300000		108		C E WASHBURN #32872	SIPE SPRINGS (MARBLE	0.0	LONE STAR GAS CO
-ENERGY DEVELOPMENT CORPORATION				RECEIVED:		07/14/82 JA: TX			
8243490	F-02-053567	4205731115		102-4		EDC-DOW POWDERHORN RANCH #1	POWDERHORN SW (FRIO 9	475.0	DOW CHEMICAL CO
-ENERGY RESERVES GROUP INC				RECEIVED:		07/14/82 JA: TX			
8243467	F-7C-053482	4208131074		103		J E CHAPPELL "A" #12	JAMESON (STRAWN)	20.5	UNION TEXAS PETRO
-ENERGY-AGRI PRODUCTS INC				RECEIVED:		07/14/82 JA: TX			
8243437	F-10-053435	4206500000		103		BOBBITT #1 (ID#05070)	PANHANDLE CARSON	130.0	GETTY OIL CO
8243438	F-10-053436	4206500000		103		BOBBITT #2 (ID#05070)	PANHANDLE CARSON	120.0	GETTY OIL CO
8243436	F-10-053434	4206500000		103		KIMBERLIN #2 (ID#05069)	PANHANDLE CARSON	100.0	GETTY OIL CO
8243439	F-10-053437	4206500000		103		KIMBERLIN #3 (ID#05069)	PANHANDLE CARSON	100.0	GETTY OIL CO
-ENSOURCE INC				RECEIVED:		07/14/82 JA: TX			
8243265	F-05-043080	4221300000		103		J B FERGUSON #1	TRINIDAD S (RODESSA)	0.0	LONE STAR GAS CO
-EXXON CORPORATION				RECEIVED:		07/14/82 JA: TX			
8243431	F-03-053417	4207131266		103		GALVESTON BAY STATE "A" #187	RED FISH REEF S (FRIO	210.0	HOUSTON PIPELINE
*8243442	F-04-053442	4227331268		103		K R ALAZAN 311-F (098579)	ALAZAN (E-54 W)	493.0	ARMCO STEEL CORP
*8243443	F-04-053443	4227331649		102-4		K R ALAZAN 381 (098646)	HINOJOSA (E-54)	275.0	ARMCO STEEL CORP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8243387	F-04-052667	4204730933		103		MCGILL BROS 478 (098972)	KELSEY DEEP (ZONE 18-	35.0	TRUNKLINE GAS CO
8243432	F-04-053422	4213135637		103		S LUNDELL GU #1 WELL #3	LUNDELL (COLE)	42.0	TENNESSEE GAS PIP
8243368	F-06-052062	4236531258		103	107-TF	W C THOMAS & S E WOOD #3	CARTHAGE (COTTON VALL	250.0	TEJAS GAS CORP
-F WILLIAM CARR				RECEIVED:	07/14/82	JA: TX			
8243340	F-02-050040	4229732610		103		GEORGE WEST ESTATE #4-U	GEORGE WEST WEST (850	216.0	TEXAS EASTERN TRA
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED:	07/14/82	JA: TX			
8243346	F-7C-051121	4239932316		103	107-TF	FLORENCE 23 #3	PHYLLIS SONORA	0.0	INTRATEX GAS CO
8243380	F-7C-052298	4243532668		103	107-TF	FLORENCE 29 #2	PHYLLIS SONORA	0.0	INTRATEX GAS CO
-FRAC INC				RECEIVED:	07/14/82	JA: TX			
8243405	F-08-053145	4200333019		103		LIMPIA "14A" #4	FUHRMAN MASCHO	2.9	PHILLIPS PETROLEU
8243404	F-08-053143	4200333193		103		UNIVERSITY "17" #1	FUHRMAN MASCHO	7.3	PHILLIPS PETROLEU
8243403	F-08-053142	4200333163		103		UNIVERSITY "18" #1	GOLDSMITH N (SAN ANDR	36.5	PHILLIPS PETROLEU
-G & M OPERATING CORP				RECEIVED:	07/14/82	JA: TX			
8243381	F-02-052338	4229700000		102-4		ROBERT E MATULA #2	MAXINE EAST (9700)	0.0	UNITED TEXAS TRAN
-GARY BUTCHER				RECEIVED:	07/14/82	JA: TX			
8243320	F-7B-048547	4204932817		102-4		MELVIN GLASSCOCK #2	GROSVNER SW (DUFFER)	37.0	ODESSA NATURAL CO
-GEOSOUTHERN ENERGY CORP				RECEIVED:	07/14/82	JA: TX			
8243283	F-03-046738	4205100000		102-2	103	WINNIE #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
-GETTY OIL COMPANY				RECEIVED:	07/14/82	JA: TX			
8243386	F-06-052609	4236500000		108		A R CURTIS #1-U DUAL	CARTHAGE (HILL SE)	15.0	TEXAS GAS TRANSMI
8243284	F-05-046858	4216100000		102-4		FRANKLIN SCURLOCK "B" #1	INGRAM-TRINITY (RODES	186.0	LONE STAR GAS CO
8243399	F-03-053057	4204100000		103		J PONZICO #1	KURTEN (WOODBINE)	0.0	FERGUSON CROSSING
8243308	F-8A-047841	4207900000		108		SOUTHWEST LEVELLAND UNIT #31	LEVELLAND	0.9	CITIES SERVICE CO
8243307	F-03-047840	4207900000		108		SOUTHWEST LEVELLAND UNIT #33	LEVELLAND	2.1	CITIES SERVICE CO
8243306	F-8A-047839	4207900000		108		SOUTHWEST LEVELLAND UNIT #68	LEVELLAND	0.4	CITIES SERVICE CO
8243305	F-8A-047838	4207900000		108		SOUTHWEST LEVELLAND UNIT #77	LEVELLAND	0.4	CITIES SERVICE CO
8243304	F-8A-047837	4207900000		108		SOUTHWEST LEVELLAND UNIT #91	LEVELLAND	0.4	CITIES SERVICE CO
8243299	F-8A-047831	4207900000		108		XIT UNIT #1	LEVELLAND-SAN ANDRES	0.6	CITIES SERVICE CO
8243300	F-8A-047832	4207900000		108		XIT UNIT #105	LEVELLAND-SAN ANDRES	0.6	CITIES SERVICE CO
8243298	F-8A-047830	4207900000		108		XIT UNIT #135	LEVELLAND SAN ANDRES	0.0	AMOCO PIPELINE CO
8243303	F-8A-047835	4207900000		108		XIT UNIT #162	LEVELLAND-SAN ANDRES	7.1	CITIES SERVICE CO
8243302	F-8A-047834	4207900000		108		XIT UNIT #182	LEVELLAND-SAN ANDRES	0.6	CITIES SERVICE CO
8243301	F-8A-047833	4207900000		108		XIT UNIT #6	LEVELLAND-SAN ANDRES	0.6	CITIES SERVICE CO
-GO OIL CORP				RECEIVED:	07/14/82	JA: TX			
8243251	F-7B-027795	4236731801		102-4		COUTS METHODIST CHURCH #1 ID 89174	COUTS (5552 CONGL)	0.0	NATURAL GAS PIPEL
-GOLDEN ENGINEERING INC				RECEIVED:	07/14/82	JA: TX			
8243324	F-03-048890	4214931254		103		RICHARD C ULLRICH #1	GIDDINGS (AUSTIN CHAL	117.0	CLAJON GAS CO
-GOLDEN RESOURCES CORP				RECEIVED:	07/14/82	JA: TX			
8243450	F-7B-053450	4244700000		102-4		MATTHEWS #79-1	JUDY (CADDO)	3295.0	WARREN PETROLEUM
-GULF OIL CORPORATION				RECEIVED:	07/14/82	JA: TX			
8243365	F-08-052025	4247532265		103		HUTCHINGS STOCK ASSN #1121	WAGON WHEEL (PENN)	35.0	CABOT CORP
8243369	F-08-052100	4247532510		103		HUTCHINGS STOCK ASSN #1159	WAGON WHEEL (PENN)	25.0	CABOT CORP
8243497	F-04-053591	4250531191		103	107-TF	M DE MARTINEZ #3	J C MARTIN (LOBO)	365.0	TENNESSEE GAS PIP
8243268	F-10-043879	4239330832		102-4		M OSBORNE #4-26	WILDCAT	0.0	TRANSWESTERN PIPE
-H L BROWN JR				RECEIVED:	07/14/82	JA: TX			
8243382	F-10-052400	4248330614		103		LUNSFORD 093151	LOTT RANCH (MORROW UP	37.1	MICHIGAN-WISCONSI
-HENDERSON CLAY PRODUCTS INC				RECEIVED:	07/14/82	JA: TX			
8243326	F-06-049140	4240131360		102-2	107-TF	HELEN CRIM G U WELL #1	HENDERSON N (COTTON V	351.0	UNITED GAS PIPELI
-HOME PETROLEUM CORPORATION				RECEIVED:	07/14/82	JA: TX			
8243337	F-01-049765	4212732168		102-4	103	H E STUMBERG #3	CATARINA FARMS (OLMOS	0.0	VALERO TRANSMISSI
8243336	F-01-049764	4212732166		102-4	103	H E STUMBERG JR #2	CATARINA FARMS (OLMOS	0.0	VALERO TRANSMISSI
-HOOKS BROTHERS OIL CO				RECEIVED:	07/14/82	JA: TX			
8243502	F-10-053605	4223331351		103		WENDY #1 05055	PANHANDLE HUTCHINSON	36.5	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-HUGHES & HUGHES				RECEIVED:	07/14/82	JA: TX
8243423	F-04-053400	4235531928		102-4		BERNSEN WELTY #2
-HUNT OIL CO				RECEIVED:	07/14/82	JA: TX
8243489	F-7C-053566	4239932078		103		EMILY WHITE #3
-HYDROCARBON ENERGIES INC				RECEIVED:	07/14/82	JA: TX
8243279	F-7B-046553	4242932739		103		BARGSLEY #2
-INDIAN WELLS OIL CO				RECEIVED:	07/14/82	JA: TX
8243427	F-7C-053407	4223531884		103		BELLOWS 57-3
8243466	F-7C-053481	4210533744		103	107-TF	HENDERSON 7-1
8243426	F-7C-053406	4223531774		103		WINTERBOTHAM 29-5
-J CLEO THOMPSON & JAMES CLEO THOMPS				RECEIVED:	07/14/82	JA: TX
8243348	F-7C-051295	4210533952		102-4		UNIVERSITY 30-27W #2
-J M HUBER CORPORATION				RECEIVED:	07/14/82	JA: TX
8243485	F-10-053555	4235700000		108		BLOSSOM #1
-JEM PETROLEUM CORP				RECEIVED:	07/14/82	JA: TX
8243481	F-8A-053517	4203330754		103		MCKNIGHT #3
8243434	F-7C-053429	4241331131		103		WILLIAMS #1
-JONES CO				RECEIVED:	07/14/82	JA: TX
8243517	F-7B-053659	4242933219		102-4		CORBETT #7 (099061)
-KEAHEY EXPLORATION INC				RECEIVED:	07/14/82	JA: TX
8243356	F-02-051660	4217531613		103		B J LUKER #1
-KENNEDY & MITCHELL INC				RECEIVED:	07/14/82	JA: TX
8243285	F-10-046888	4219530714		103		COLLARD #25-375
-KIRKWOOD & CO				RECEIVED:	07/14/82	JA: TX
8243488	F-02-053562	4202531645		103		D W HANCOCK #1A
8243487	F-02-053561	4202531817		103		D W HANCOCK #3-A
-KYTEX PETROLEUM				RECEIVED:	07/14/82	JA: TX
8243338	F-7B-049858	4208332262		103		C D ALLEN #1 (95591)
-L M YOUNG				RECEIVED:	07/14/82	JA: TX
8243289	F-7B-047326	4204900000		102-4		R J GOODALL #1
8243329	F-7B-049318	4201932861		102-4		R J GOODALL "M" #11
-L R PEARSON JR INC				RECEIVED:	07/14/82	JA: TX
8243323	F-7B-048881	4213333500		102-4		WATSON #2-A
-LARIO OIL & GAS COMPANY				RECEIVED:	07/14/82	JA: TX
8243518	F-08-053660	4237133644		103		STATE BREEN #3
-MAJOR EXPLORATION INC				RECEIVED:	07/14/82	JA: TX
8243296	F-01-047777	4216332070		103		MELMS ESTATE #2
-MAPCO PRODUCTION COMPANY				RECEIVED:	07/14/82	JA: TX
8243339	F-10-050027	4248300000		108		RAMSEY NICHOLSON #1
-MARALO INC				RECEIVED:	07/14/82	JA: TX
8243440	F-7C-053438	4238332035		103		UNIVERSITY "6" #8
8243435	F-7C-053430	4238332131		103		UNIVERSITY "6" #9
8243441	F-7C-053439	4238332130		103		UNIVERSITY "6" #9
-MARRIOTT OIL CORP				RECEIVED:	07/14/82	JA: TX
8243479	F-7B-053505	4236700000		108		TOMME #1 (086423)
8243478	F-7B-053504	4236700000		108		YOUNGBLOOD #1 (086061)
-MAYNARD OIL COMPANY				RECEIVED:	07/14/82	JA: TX
8243392	F-03-052796	4205132126		102-4		TATUM #5
-MCCANN CORP				RECEIVED:	07/14/82	JA: TX
8243359	F-08-051809	4222732435		103		STEWART RANCH #1
-MCMAHON-BULLINGTON DRLG CO				RECEIVED:	07/14/82	JA: TX
8243463	F-09-053478	4223700000		102-4		HILL "B" #1
-MCZ INC				RECEIVED:	07/14/82	JA: TX

FIELD NAME	PROD	PURCHASER
COTTON (VICKSBURG) FI	91.0	FERGUSON CROSSING
LLOYD	18.0	LONE STAR GAS CO
STEPHENS COUNTY REGUL	10.9	WARREN PETROLEUM
PROBANDT (CANYON)	0.0	INTER NORTH INC
OZONA (CANYON SAND)	0.0	INTERNORTH INC
BROOKS S (CISCO 5600)	0.0	INTER NORTH INC
UNIVERSITY 31 (QUEEN)	60.0	
	18.0	PHILLIPS PETROLEU
LUCY NE (STRAWN-B)	7.3	SUN OIL CO
OTTO (STRAWN)	25.0	ARCO OIL & GAS CO
CORBETT (CONGL MID)	747.0	SOUTHWESTERN GAS
BRANDT S (BRANDT 7485	0.0	UNITED PIPELINE C
HANSFORD UPPER MORROW	365.0	INTERNORTH INC
CLAREVILLE (HOCKLEY 4	43.8	ESPERANZA TRANSMI
CLAREVILLE (HOCKLEY 4	43.8	ESPERANZA TRANSMI
COLEMAN COUNTY REGULA	38.0	ODESSA NATURAL CO
DALE (CADDO)	30.0	ODESSA NATURAL CO
DALE (CADDO)	23.0	ODESSA NATURAL CO
REBECCA (MARBLE FALLS	7.0	LONE STAR GAS CO
PECOS VALLEY (LOW GRA	12.9	DELHI GAS PIPELIN
PEARSALL (AUSTIN CHAL	109.0	T G T INC
	3.0	PRODUCER'S GAS CO
BLOCK 49 (2450)	20.0	INTERNORTH INC
BLOCK 49 (2450)	1.0	INTERNORTH INC
BLOCK 49 (2450)	1.5	INTERNORTH INC
MEEKER (1900)	10.0	SOUTHWESTERN GAS
MEEKER (1900)	21.0	SOUTHWESTERN GAS
CALDWELL (AUSTIN CHAL	128.0	FERGUSON CROSSING
COAHOMA N (FUSSEL)	83.8	GETTY OIL CO
HOEFFLE RANCH (MARBLE	75.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8243425	F-03-053404	4204100000		102-2		SAM RIZZO UNIT #2
-MEG PETROLEUM CORP				RECEIVED:	07/14/82	JA: TX
8243385	F-7C-052556	4223531866		102-2	103	LOPEZ CREEK #3
-MGF OIL CORP				RECEIVED:	07/14/82	JA: TX
8243396	F-08-053027	4231732375		103		GRANTHAM #1
-MILES PRODUCTION CO				RECEIVED:	07/14/82	JA: TX
8243347	F-09-051147	4223734138		102-4		NETTIE CROWLEY
-MITCHELL ENERGY CORPORATION				RECEIVED:	07/14/82	JA: TX
8243276	F-09-046340	4249732120		102-4		C W SLAY #1
8243351	F-09-051359	4223734308		103		LINDSEY RANCH #9
-MONSANTO COMPANY				RECEIVED:	07/14/82	JA: TX
8243413	F-7C-053229	4210533549		103		UNIVERSITY WEGER 51-3 #19
8243412	F-7C-053228	4210533552		103		UNIVERSITY WEGER 51-3 #9
-MORROW RESOURCES INC				RECEIVED:	07/14/82	JA: TX
8243484	F-7C-053546	4245130925		102-2	103	BROWN "A" #5
8243486	F-7C-053558	4245130937		102-2	103	MATHEWS #5
-MV STEWART/EAGLE PETROLEUM				RECEIVED:	07/14/82	JA: TX
8243261	F-02-040812	4212331144		102-4		WENDELL #1-U
-NORTH STAR PETROLEUM CORP				RECEIVED:	07/14/82	JA: TX
8243295	F-10-047737	4223300000		103		YAKE A #3 (00992)
-NORTH STAR PETROLEUM CORPORATION				RECEIVED:	07/14/82	JA: TX
8243294	F-10-047734	4223300000		103		YAKE A #6 (00992)
-OIL AND GAS CO				RECEIVED:	07/14/82	JA: TX
8243424	F-04-053403	4224931510		102-4		HRANICKY #1 142934
-OMEGA MINERALS INC				RECEIVED:	07/14/82	JA: TX
8243349	F-01-051324	4250731470		102-4		C MUNDINE HASKETT #3-C
8243350	F-01-051325	4250731470		102-4		C MUNDINE HASKETT #3-T
-ORLA PETCO INC				RECEIVED:	07/14/82	JA: TX
8243492	F-08-053578	4210931463		102-4		CATCLAW-STATE #1
8243493	F-08-053581	4210931574		102-4	103	CATCLAW-STATE #4
8243494	F-08-053582	4210931521		102-4	103	HAWKINS-GRUBB #4
8243430	F-08-053414	4210931518		103		SLOUSON #1
-OXY PETROLEUM INC				RECEIVED:	07/14/82	JA: TX
8243252	F-04-028827	4270330168		102-4		STATE LEASE M-77985 #2-U
-PANHANDLE PRODUCING COMPANY				RECEIVED:	07/14/82	JA: TX
8243314	F-10-048008	4223300000		103		COCKRELL C-23 (00816)
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:	07/14/82	JA: TX
8243363	F-04-051909	4224931515		102-4		W P WRIGHT #2
-PETROLEUM EQUITIES CORP				RECEIVED:	07/14/82	JA: TX
8243357	F-08-051711	4247532366		103		STATE RIVERBED #1
-PETROTEX RESOURCES INC				RECEIVED:	07/14/82	JA: TX
8243318	F-8A-048279	4210130314		102-4		JONES #1
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	07/14/82	JA: TX
8243482	F-08-053533	4249503424		108		BASH #5
8243281	F-10-046671	4223300000		108		COCKRELL RANCH #33
8243271	F-10-044266	4217900000		108		GETHING #8
8243270	F-10-044221	4223300000		108		LEWIS C #2
8243483	F-08-053537	4213533825		103		MOSS C #3
8243331	F-06-049471	4236531196		102-2	107-TF	PANOLA 2 #3
8243278	F-10-046433	4217900000		108		WOOD J E #3
-PIONEER PRODUCTION CORPORATION				RECEIVED:	07/14/82	JA: TX
8243249	F-10-025838	4229500000		108-ER		GEX UNIT #1
8243253	F-10-030688	4229500000		108		M W BROYLES #1 RRC ID 22397

FIELD NAME	PROD	PURCHASER
KURTEN (WOODBINE)	55.0	FERGUSON CROSSING
ROCK PEN (CANYON)	144.0	INTER NORTH INC
SPRAYBERRY (TREND ARE	0.0	
ANTELOPE S E (MARBLE	100.0	SOUTHWESTERN GAS
NEWARK EAST (BARNETT	20.0	NATURAL GAS PIPEL
KRAMBERGER (ATOKA CON	73.0	SOUTHWESTERN GAS
WEGER (SAN ANDRES)	6.0	
WEGER (SAN ANDRES)	12.0	
K W B (STRAWN)	55.8	LONE STAR GAS CO
K W B (STRAWN)	63.4	LONE STAR GAS CO
MEYERSVILLE N (FRIO 1	0.0	VALERO TRANSMISSI
PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
REYNOLD N (FRIO 5000)	200.0	NUE WELLS PIPE LI
NORTH HASKETT (OLMOS)	11.0	VALERO TRANSMISSI
NORTH HASKETT (1ST SA	48.0	VALERO TRANSMISSI
GERALDINE (DELAWARE 3	12.7	TEXACO INC
GERALDINE (DELAWARE 3	14.6	TEXACO INC
FORD WEST (2500)	3.6	TEXACO INC
FORD WEST (4100)	5.4	CONOCO INC
MATAGORDA ISLAND BLOC	3.0	CHANNEL INDUSTRIE
PANHANDLE HUTCHINSON	0.0	GETTY OIL CO
FALFURRIAS (VICKSBURG	0.0	NATURAL GAS PIPEL
PAYTON	18.0	PERRY PIPELINE CO
INDEPENDENT (BEND CON	477.0	PALO DURO PIPELIN
KEYSTONE (ELLENBURGER	16.0	SID RICHARDSON GA
PANHANDLE HUTCHINSON	0.0	GETTY OIL CO
PANHANDLE GRAY	0.0	
MORSE S W - BROWN DOL	0.0	EL PASO NATURAL G
HARPER	0.0	EL PASO NATURAL G
CARTHAGE COTTON VALLE	365.0	UNITED GAS PIPELI
PANHANDLE GRAY	0.0	
MAMMOTH CREEK N (CLEV	16.5	NORTHERN NATURAL
MAMMOTH CREEK NORTH/C	1.8	NORTHERN NATURAL

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-POLK & PATTON INC				RECEIVED:	07/14/82	JA: TX			
8243311	F-03-047941	4205131767		102-2		DONOVAN UNIT #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
8243312	F-03-047942	4205132034		102-2		GARDNER #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
8243310	F-03-047940	4205100000		102-2		HESTER UNIT #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
-POWCO OIL & GAS INC				RECEIVED:	07/14/82	JA: TX			
8243378	F-06-052266	4245700000		103	107-TF	BRAWLEY #1	GLENWOOD (COTTON VALL	0.0	DELHI GAS PIPELIN
8243389	F-06-052757	4245900000		103	107-TF	GORDON #1	GLENWOOD (COTTON VALL	0.0	DELHI GAS PIPELIN
-PRODECO EXPLORATIONINC				RECEIVED:	07/14/82	JA: TX			
8243309	F-03-047885	4204130582		102-2		BARRON UNIT I #1 (14940)	KURTEN (BUDA)	73.0	FERGUSON CROSSING
-PYRAMID EXPLORATION				RECEIVED:	07/14/82	JA: TX			
8243292	F-03-047581	4240730419		102-4		ELMORE #1	FLORES (10-F)	0.0	TEXAS EASTERN TRA
-R A W ENERGY CORP				RECEIVED:	07/14/82	JA: TX			
8243354	F-7B-051621	4236300000		102-4		JOHNSON #1	KESSLER (3980)	0.0	SOUTHWESTERN GAS
-RAILHEAD ENERGY CO				RECEIVED:	07/14/82	JA: TX			
8243364	F-09-051995	4249700000		102-4		EVELYN G BAKER #1	JETTLE ALICE (STRAWN)	150.0	LONE STAR GAS CO
-RANGER PETROLEUM				RECEIVED:	07/14/82	JA: TX			
8243500	F-10-053603	4206531133		103		DON #1 05086	PANHANDLE CARSON	113.1	PANHANDLE EASTERN
8243501	F-10-053604	4206531145		103		DON #2 05086	PANHANDLE CARSON COUN	29.2	PANHANDLE EASTERN
-REO INDUSTRIES INC				RECEIVED:	07/14/82	JA: TX			
8243429	F-10-053410	4223300000		103		WHITTENBURG A #8-25	PANHANDLE HUTCHINSON	720.0	TRANS-PAN PIPELIN
8243471	F-10-053488	4223300000		103		WHITTENBURG A 8-31	PANHANDLE HUTCHINSON	270.0	TRANS-PAN PIPELIN
8243428	F-10-053409	4223300000		103		WHITTENBURG A 8-32	PANHANDLE HUTCHINSON	270.0	TRANS-PAN PIPELIN
8243509	F-10-053613	4223300000		103		WHITTENBURG 1-23	PANHANDLE HUTCHINSON	7.2	TRANS-PAN PIPELIN
8243462	F-10-053475	4223300000		103		WHITTENBURG 12-21	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8243461	F-10-053474	4223300000		103		WHITTENBURG 12-9	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8243445	F-10-053445	4223300000		103		WHITTENBURG 2-10	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8243446	F-10-053446	4223300000		103		WHITTENBURG 2-12	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8243472	F-10-053489	4223300000		103		WHITTENBURG 2-4	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8243447	F-10-053447	4223300000		103		WHITTENBURG 3-27	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8243460	F-10-053473	4223300000		103		WHITTENBURG 3-29	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8243470	F-10-053487	4223300000		103		WHITTENBURG 32-10	PANHANDLE HUTCHINSON	7.2	TRANS-PAN PIPELIN
8243503	F-10-053607	4223300000		103		WHITTENBURG 32-11	PANHANDLE HUTCHINSON	7.2	TRANS-PAN PIPELIN
8243504	F-10-053608	4223300000		103		WHITTENBURG 32-12	PANHANDLE HUTCHINSON	7.2	TRANS-PAN PIPELIN
8243449	F-10-053449	4223300000		103		WHITTENBURG 32-4	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8243448	F-10-053448	4223300000		103		WHITTENBURG 32-7	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8243468	F-10-053485	4223300000		103		WHITTENBURG 32-8	PANHANDLE HUTCHINSON	7.2	TRANS-PAN PIPELIN
8243469	F-10-053486	4223300000		103		WHITTENBURG 32-9	PANHANDLE HUTCHINSON	7.2	TRANS-PAN PIPELIN
8243418	F-10-053352	4223300000		103		WHITTENBURG 33-11	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8243506	F-10-053610	4223300000		103		WHITTENBURG 33-21	PANHANDLE HUTCHINSON	7.2	TRANS-PAN PIPELIN
8243507	F-10-053611	4223300000		103		WHITTENBURG 33-22	PANHANDLE HUTCHINSON	7.2	TRANS-PAN PIPELIN
8243508	F-10-053612	4223300000		103		WHITTENBURG 33-23	PANHANDLE HUTCHINSON	7.2	TRANS-PAN PIPELIN
8243510	F-10-053614	4223300000		103		WHITTENBURG 33-25	PANHANDLE HUTCHINSON	7.2	TRANS-PAN PIPELIN
8243511	F-10-053615	4223300000		103		WHITTENBURG 33-26	PANHANDLE HUTCHINSON	7.2	TRANS-PAN PIPELIN
8243505	F-10-053609	4223300000		103		WHITTENBURG 33-3	PANHANDLE HUTCHINSON	7.2	TRANS-PAN PIPELIN
8243416	F-10-053350	4223300000		103		WHITTENBURG 33-5	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8243417	F-10-053351	4223300000		103		WHITTENBURG 33-9	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8243415	F-10-053349	4223300000		103		WHITTENBURG 5-3	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8243414	F-10-053348	4223300000		103		WHITTENBURG 5-9	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
-ROCKWALL PETROLEUM CO				RECEIVED:	07/14/82	JA: TX			
8243514	F-10-053645	4217930618		108		ROBERTS #1-78	PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
-ROME EXPLORATION CO INC				RECEIVED:	07/14/82	JA: TX			
8243254	F-01-030710	4205700000		102-4		H & F PROPERTIES SECTION 24 #1	CRYSTAL CITY (ELAINE	91.2	VALERO TRANSMISSI
-SABINE PRODUCTION COMPANY				RECEIVED:	07/14/82	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8243288	F-04-047269	4235500000		102-4	103	DOUGHTY #2-L	DOUGHTY W (FRIO 8600)	0.0	HOUSTON PIPE LINE
-SAMSON RESOURCES COMPANY				RECEIVED:	07/14/82	JA: TX			
8243274	F-10-045901	4235730955		102-4		DODSON #3	DUDE WILSON	1000.0	TRANSWESTERN PIPE
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED:	07/14/82	JA: TX			
8243319	F-02-048297	4229732067		102-4		BODDEN-FROST GAS UNIT #1 WELL NO 1	GEORGE WEST WEST (950	500.0	UNITED TEXAS TRAN
-SANTA FE-WINDSOR PRODUCING CO				RECEIVED:	07/14/82	JA: TX			
8243400	F-03-053115	4228731191		103		BLOH UNIT #1	GIDDINGS(AUSTIN CHALK	219.0	PERRY PIPELINE CO
8243394	F-03-052971	4228700000		103		DIXON UNIT #1	GIDDINGS (AUSTIN CHAL	365.0	PERRY PIPELINE CO
8243402	F-03-053118	4228731196		103		IDA #1	GIDDINGS (AUSTIN CHAL	109.5	PERRY PIPELINE CO
8243406	F-03-053149	4228731204		102-2	103	JOHN UNIT #1	GIDDINGS (AUSTIN CHAL	36.5	PERRY PIPELINE CO
8243401	F-03-053116	4228731192		103		LENOISE #1	GIDDINGS (AUSTIN CHAL	109.5	PERRY PIPELINE CO
-SCANDRILL CO				RECEIVED:	07/14/82	JA: TX			
8243256	F-09-033301	4250334389		103		B W KING #1	BRAZEEL (CADDO)	18.3	SUN GAS GATHERING
-SEARCH DRILLING CO				RECEIVED:	07/14/82	JA: TX			
8243512	F-10-053618	4229531104		103		DANIELS #4-554	BRADFORD (TONKAWA)	91.0	PHILLIPS PETROLEU
-SEATEX ENERGY CORP				RECEIVED:	07/14/82	JA: TX			
8243328	F-7B-049281	4205933513		103		LARRY CAMPBELL #1	M G C (BEND)	73.0	LONE STAR GAS CO
-SEQUOIA FOSSIL FUELS INC				RECEIVED:	07/14/82	JA: TX			
8243473	F-7B-053495	4205933254		102-4		PRUET "B" #1	MEXIA CREEK (CONGL)	35.0	SIOUX PIPELINE CO
8243474	F-7B-053496	4205933391		102-4		PRUET "C" #1	MEXIA CREEK (CONGL)	35.0	SIOUX PIPELINE CO
-SHOW PETROLEUM INC				RECEIVED:	07/14/82	JA: TX			
8243352	F-7B-051362	4242933059		102-4		BONEY "A" #1	RANGER NW (MARBLE FAL	55.0	LONE STAR GAS CO
-SOUTHLAND ROYALTY CO				RECEIVED:	07/14/82	JA: TX			
8243398	F-8A-053053	4216532153		103		TOBE FOSTER #10	D E B	8.0	PHILLIPS PETROLEU
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	07/14/82	JA: TX			
8243519	F-04-053661	4242700000		108		F G OLIVARES UNIT #2	SUN NORTH/6390 FT SD/	15.0	
8243480	F-09-053506	4249700000		108		J BUCHANAN UNIT #2	BOONSVILLE (BEND CONG	15.0	NATURAL GAS PIPEL
8243257	F-05-034298	4216130585		102-2	107-TF	KILLAM & HURD LTD #1	BURLESON MILL E	234.0	DELHI GAS PIPELIN
8243390	F-05-052776	4216130489		107-TF		L V JONES #1	NORTH REED (COTTON VA	51.0	UNITED TEXAS TRAN
8243520	F-8A-053675	4221933212		103		SOUTHEAST LEVELLAND UNIT #265	LEVELLAND	6.0	AMOCO PRODUCTION
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	07/14/82	JA: TX			
8243250	F-08-027300	4237100000		108-ER		JASPER CO SCHOOL LAND #4	NORTH PUCKETT	0.0	NORTHERN NATURAL
8243259	F-06-040399	4236530997		103	107-TF	WILLIAMS WALL G U #2	CARTHAGE (COTTON VALL	142.0	DELHI GAS PIPELIN
-TEPCO ENGINEERING INC				RECEIVED:	07/14/82	JA: TX			
8243452	F-04-053455	4224931358		102-4	103	BEN DORA HAPPNER #2	QUINTO CREEK (3960)	98.0	TRUNKLINE GAS CO
8243451	F-02-053454	4223931743		102-4	103	DUGGER-FITCH #1	TEXANA NORTH (FRIO 60	270.0	LONE STAR GAS CO
-TEX-STAR PETROLEUM				RECEIVED:	07/14/82	JA: TX			
8243370	F-7C-052158	4239900000		103		RAINWATER "A" #1	HENSON (MORRIS)	55.0	VALERO TRANSMISSI
-TEXAS OIL & GAS CORP				RECEIVED:	07/14/82	JA: TX			
8243264	F-03-043041	4205131356		102-2	103	PHELPS #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON INC
-THREE B OIL CO				RECEIVED:	07/14/82	JA: TX			
8243407	F-08-053159	4247532539		103		POTTS "A" #1	PAYTON	73.5	PERRY PIPELINE CO
-THRESHOLD DEVELOPMENT CO				RECEIVED:	07/14/82	JA: TX			
8243498	F-08-053599	4232930396		103		ANDERSON #1	AZALEA (DEVONIAN)	48.0	PHILLIPS PETROLEU
-TOWNER PETROLEUM CO				RECEIVED:	07/14/82	JA: TX			
8243260	F-03-040614	4214930813		102-2		DUSEK #2	GIDDINGS (EDWARDS GAS	0.0	CLAJON GAS CO
-TRAVELERS OIL CO				RECEIVED:	07/14/82	JA: TX			
8243391	F-10-052787	4217900000		108		HEIDI #1 086074	PANHANDLE GRAY COUNTY	0.0	
-TRIPLE J OIL CO				RECEIVED:	07/14/82	JA: TX			
8243459	F-10-053472	4217931060		103		WN CASTLEBERRY #5 00686	PANHANDLE GRAY	4.3	GETTY OIL CO
-TRITON OIL & GAS CORP				RECEIVED:	07/14/82	JA: TX			
8243458	F-05-053468	4221330339		102-4		DAVIS #1	TRINIDAD S (RODESSA)	36.0	UNITED GAS PIPELI
-TUCKER DRILLING COMPANY INC				RECEIVED:	07/14/82	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8243325	F-7C-048974	4241331169		103	107-TF	THOMSON "E" #3
-TXO PRODUCTION CORP				RECEIVED:	07/14/82	JA: TX
8243362	F-05-051849	4229330587		103	107-TF	JONES "J" #2
8243353	F-7C-051456	4246131870		103		UNIVERSITY "22" #1
-U S OPERATING INC				RECEIVED:	07/14/82	JA: TX
8243322	F-03-048742	4205131954		102-2		BELLE STARR #1
8243293	F-03-047659	4205131941		102-2		CASEY #1
8243286	F-03-046939	4205131788		102-2		EVE #1
8243321	F-03-048741	4205131962		102-2		RHONDA #1
8243327	F-03-049158	4205132077		102-2		ROBIN #1
-UNION OIL COMPANY OF CALIF				RECEIVED:	07/14/82	JA: TX
8243335	F-06-049729	4236531255		103	107-TF	FRED KYLE #4
8243272	F-06-044853	4236531254		103	107-TF	J F HANCOCK #3
-VALWOOD PRODUCTION CO				RECEIVED:	07/14/82	JA: TX
8243277	F-03-046380	4205131454		103		BERNADINE DWORSKY UNIT #1
-VANDERBURG EXPLORATION CO INC				RECEIVED:	07/14/82	JA: TX
8243433	F-10-053428	4217900000		103		SANDY #2 (ID#05077)
-W H TAYLOR ESTATE				RECEIVED:	07/14/82	JA: TX
8243496	F-10-053588	4217931065		103		TAYLOR "CG" #6
8243495	F-10-053587	4217931020		103		TAYLOR RANCH FEE "A" #5
-WEST TEXAS OIL & GAS CORP				RECEIVED:	07/14/82	JA: TX
8243344	F-08-050147	4217300000		103		WOODY #1
8243343	F-08-050146	4217300000		103		WOODY #2
8243342	F-08-050145	4217300000		103		WOODY #3
8243341	F-08-050144	4217300000		103		WOODY #5
-WESTCHASE PETROLEUM CORP				RECEIVED:	07/14/82	JA: TX
8243465	F-03-053480	4228730948		103		B PETERS UNIT #1
-WESTERN CHIEF OIL & GAS CO				RECEIVED:	07/14/82	JA: TX
8243280	F-09-046621	4223734091		103		BORDEN "76" #1
-WHEELER OIL COMPANY				RECEIVED:	07/14/82	JA: TX
8243456	F-10-053463	4248331008		103		BROWN #1 (098950)
8243453	F-10-053459	4248330884		103		CADRA (097258) #1
8243454	F-10-053460	4248330922		103		MACINA (108) #1 (097256)
8243457	F-10-053464	4248330934		103		MARNIE (098556) #1
8243455	F-10-053461	4248330961		103		WELLS #1 (098951)
-WILBROOK EXPLORATION INC				RECEIVED:	07/14/82	JA: TX
8243444	F-7B-053444	4242933134		103		P NALL #1-A
-WILLIAM PERLMAN				RECEIVED:	07/14/82	JA: TX
8243388	F-7C-052677	4213730719		108		J T HUNT 29 #1
-WILLIFORD ENERGY CO				RECEIVED:	07/14/82	JA: TX
8243282	F-10-046731	4229531019		102-4		NEWMAN #1
-WILSON-OWENS PRODUCTION CO				RECEIVED:	07/14/82	JA: TX
8243397	F-06-053033	4236530809		107-TF		THOMAS ALLISON GU 3A
-ZONERGY INC				RECEIVED:	07/14/82	JA: TX
8243291	F-01-047466	4217700000		102-2		HALAMICEK "A" #1
8243266	F-03-043503	4205100000		102-2		HOUSTON A-1U

OTHER PURCHASERS VOLUME NO :702

8243371	COLTEXO CORP	8243376	COLTEXO CORP
8243372	COLTEXO CORP	8243377	COLTEXO CORP
8243373	COLTEXO CORP	8243442	E I DUPONT DE NEMOURS & CO INC
8243374	COLTEXO CORP	8243443	E I DUPONT DE NEMOURS & CO INC
8243375	COLTEXO CORP		

BILLING CODE 6717-01-C

FIELD NAME	PROD	PURCHASER
W J B (CANYON)	395.3	LONE STAR GAS CO
PERSONVILLE N (COTTON	0.0	
BLOCK 4 (DEVONIAN UPP	300.0	DELHI GAS PIPELIN
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
CARTHAGE	220.0	UNITED GAS PIPE L
CARTHAGE	81.0	UNITED GAS PIPE L
GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
PANHANDLE GRAY	90.0	CABOT PIPELINE CO
PANHANDLE GRAY COUNTY	0.0	PHILLIPS PETROLEU
PANHANDLE GRAY COUNTY	0.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	45.6	PHILLIPS PETROLEU
JACK COUNTY REGULAR	180.0	LONE STAR GAS CO
EAST PANHANDLE	38.0	HIGH PLAINS NATUR
EAST PANHANDLE	5.0	HIGH PLAINS NATUR
EAST PANHANDLE	27.0	HIGH PLAINS NATUR
EAST PANHANDLE	12.0	HIGH PLAINS NATUR
EAST PANHANDLE	71.0	HIGH PLAINS NATUR
STEPHENS COUNTY REGUL	43.0	SOUTHWESTERN GAS
SAWYER (CANYON)	0.0	EL PASO HYDROCARB
LADY (MORROW UPPER)	1.0	
CARTHAGE (COTTON VALL	600.0	UNITED GAS PIPE L
CHRISTIAN (6800)	0.0	TIPPERARY CORP
BIG -A- TAYLOR	0.0	CLAJON GAS CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before August 30, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–22140 Filed 8–12–82; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 5, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-CHEVRON U S A INC				RECEIVED:	07/15/82	JA: CA			
8243624	82-6-0012	0401120164		102-4		ARBUCKLE ROAD #5	GRIMES	180.0	PACIFIC GAS & ELE
8243625	82-6-0013	0401120165		102-4		ARBUCKLE ROAD #6	GRIMES	360.0	PACIFIC GAS & ELE
8243626	82-6-0014	0401120192		102-4		ARBUCKLE ROAD #8	GRIMES	200.0	PACIFIC GAS & ELE
8243623	82-6-0015	0401120181		102-4		COLLEGE CITY #3A	WEST GRIMES	350.0	PACIFIC GAS & ELE
8243618	82-6-0016	0401120178		102-4		SOUTH SYCAMORE #4	GRIMES	255.0	PACIFIC GAS & ELE
-JORDAN OIL & GAS COMPANY				RECEIVED:	07/15/82	JA: CA			
8243627	82-6-0019	0401120213		102-4		TORRES #1-18	PRINCETON GAS (TOWNLO	400.0	PACIFIC GAS & ELE
-PANCANADIAN PETROLEUM CO				RECEIVED:	07/15/82	JA: CA			
8243621	82-6-0017	0409520469		102-4		AVERY WELLMAN 21-15 #1	LINDSEY SLOUGH GAS	300.0	PACIFIC GAS & ELE
8243622	82-6-0018	0409520459		102-4		CHEVRON-HAMILTON 14-10 #1	LINDSEY SLOUGH GAS	150.0	PACIFIC GAS & ELE
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	07/15/82	JA: CA			
8243629	82-2-0004	0411121090		103		ARCO #17	OJAI	73.0	ARCO OIL & GAS CO
8243620	82-2-0005	0411121114		103		ARCO #19	OJAI	33.0	ARCO OIL & GAS CO
8243630	82-6-0003	0411121134		103		ARCO #27	OJAI	80.0	ARCO OIL & GAS CO
8243628	81-6-0070	0411320617		103		CWAD-WFL #15	CONWAY RANCH GAS FIEL	170.0	PACIFIC GAS & ELE
8243619	81-6-0071	0411320661		103		CWAD-WFL #16 (LOWER) & (UPPER)	CONWAY RANCH GAS FIEL	200.0	PACIFIC GAS & ELE
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED:	07/12/82	JA: NM			
8243689		3004524839		103		GALLEGOS CANYON UNIT #189E	BASIN DAKOTA	15.6	EL PASO NATURAL G
8243687		3004500000		103		NYE GAS COM #1A	BLANCO MESAVERDE	23.0	EL PASO NATURAL G
8243686		3004524881		103		STATE "AX" #2	UNDESIGNATED CHACRA	10.0	EL PASO NATURAL G
8243685		3004524881		103		STATE GAS COM "BP" #1	BASIN DAKOTA	62.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	07/12/82	JA: NM			
8243684		3002508861		108		D D HARRINGTON WN #5	EUNICE 7 RIVERS QUEEN	3.5	PHILLIPS PETROLEU
-GETTY OIL COMPANY				RECEIVED:	07/12/82	JA: NM			
8243688		3002500000		108-ER		AL CHRISTMAS B #1	EUNICE-MONUMENT	0.0	EL PASO NATURAL G
OKLAHOMA CORPORATION COMMISSION									
-ALLIANCE OIL & GAS CO				RECEIVED:	07/12/82	JA: OK			
8243524	15258	3501500000		108		MELTON #1 OTC 015-00140	CEMENT OK	16.0	CITIES SERVICE GA
-ARTHUR J MESSELY				RECEIVED:	07/12/82	JA: OK			
8243564	19591	3504320285		107-PE		LORIN CHAIN #1	NORTH OAKWOOD	144.0	DELHI GAS PIPELIN
-BEREN CORPORATION				RECEIVED:	07/12/82	JA: OK			
8243552	15347	3505920943		103		WOOLFOLK #1-30	NORTHWEST LOVEDALE	6.0	MICHIGAN WISCONSI
-BLUE QUAIL ENERGY INC				RECEIVED:	07/12/82	JA: OK			
8243532	15319	3501722156		103		HODGES #1	NE NE NW SEC 12 T11N	175.0	CONOCO INC
-BOSWELL ENERGY CORP				RECEIVED:	07/12/82	JA: OK			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8243534	15341	3508121553		103		AILEY #1-11	N E STROUD	0.0	KERR-MCGEE CORP
-BURKHART PETROLEUM CORP				RECEIVED:	07/12/82	JA: OK			
8243531	15315	3502720578		103		TOWNSEND 2-13	S E NOBLE	30.0	MUSTANG FUEL CORP
-C J CASSELMAN				RECEIVED:	07/12/82	JA: OK			
8243572	14883	3511123349		103		BELISLE #2B	MORRIS	18.3	
-CHAMPLIN EXPLORATION INC				RECEIVED:	07/12/82	JA: OK			
8243562	19536	3509320689		107-PE		PAULINE LEE #1	WEST AMES	60.0	PUBLIC SERVICE CO
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	07/12/82	JA: OK			
8243568	13658	3500320900		103		CHURCH #2	E CHANEY DELL	9.0	CHAMPLIN PETROLEU
-CHASE EXPLORATION CORP				RECEIVED:	07/12/82	JA: OK			
8243523	12387	3507121271		108		BRANDON #1-3	UNNAMED	0.2	CITIES SERVICE GA
8243537	12427	3507121175		108		DENTON #1-12	UNNAMED	0.0	CITIES SERVICE GA
8243538	12428	3507120837		108		DENTON 2-1	UNNAMED	0.0	CITIES SERVICE GA
8243539	12432	3507121172		108		FITCH 1-30	UNNAMED	0.4	CITIES SERVICE GA
8243540	12433	3507123360		108		FITCH 2-30	UNNAMED	0.2	CITIES SERVICE GA
8243521	12475	3507121165		108		HONICK #1-3	UNNAMED	0.2	CITIES SERVICE GA
8243522	12476	3507155475		108		HORINEK #1-26	UNNAMED	2.5	CITIES SERVICE GA
8243542	12470	3507121148		108		JOHNS 1-24	UNNAMED	0.4	CITIES SERVICE GA
8243547	12443	3507121881		108		KAHLE 1-10	UNNAMED	27.1	CITIES SERVICE GA
8243546	12438	3507121120		108		KAMPSCHROEDER #1-29	UNNAMED	0.6	CITIES SERVICE GA
8243549	12446	3507121026		108		KANLE #2-23	UNNAMED	1.1	CITIES SERVICE GA
8243548	12444	3507121337		108		KANLE #2-30	UNNAMED	0.1	CITIES SERVICE GA
8243543	12463	3507121150		108		MEYERS #1-30	UNNAMED	0.5	CITIES SERVICE GA
8243550	12457	3507121196		108		MILLER #5-24	UNNAMED	0.0	CITIES SERVICE GA
8243541	12436	3507120133		108		PEREZ 1-23	UNNAMED	1.3	CITIES SERVICE GA
8243545	12437	3507121502		108		PEREZ 2-23	UNNAMED	1.0	CITIES SERVICE GA
8243544	12466	3507121025		108		RIGDON #2-21	UNNAMED	0.2	CITIES SERVICE GA
-COBB OIL & GAS CO				RECEIVED:	07/12/82	JA: OK			
8243561	19214	3506300000		107-TF		STANFILL #1	WETUMKA	0.0	TRANSOK PIPELINE
-EL PASO EXPLORATION CO				RECEIVED:	07/12/82	JA: OK			
8243569	14284	3513121198		102-2	103	MASON 29 #1	UNDESIGNATED ROGERS M	0.1	DIAMOND "S" GAS S
-EXXON CORPORATION				RECEIVED:	07/12/82	JA: OK			
8243563	19559	3501121591		103		HEINRICH UNIT #2	NORTH COOPER FIELD	397.0	ARKANSAS LOUISIAN
-FITZGERALD BROTHERS INVESTMENTS				RECEIVED:	07/12/82	JA: OK			
8243558	17472	3513122453		102-2		CURBY #4		14.0	DIAMOND "S" GAS S
-GODFREY OIL PROPERTIES				RECEIVED:	07/12/82	JA: OK			
8243551	15054	3509500000		108		AYLESWORTH A-1 #2		5.8	PIONEER GAS PRODU
8243576	15046	3509500000		108		LYNCH #1		8.8	PIONEER GAS PRODU
8243575	15045	3509500000		108		MINERALS #5		0.6	PIONEER GAS PRODU
8243574	15044	3509500000		108		MINERALS #6		0.6	PIONEER GAS PRODU
8243578	15093	3509500000		108		PURE-DRUMMOND #3		8.7	PIONEER GAS PRODU
8243573	15043	3509500000		108		ROSE UNIT #1		2.6	PIONEER GAS PRODU
8243577	15051	3509500000		108		UNIVERSITY OF TULSA (RAG) #1		5.0	PIONEER GAS PRODU
-GRACE PETROLEUM CORPORATION				RECEIVED:	07/12/82	JA: OK			
8243536	15344	3509322410		103		CORNELSON 3-10	CLEO SPRINGS	0.0	PIONEER GAS PRODU
-HOLDEN ENERGY CORP				RECEIVED:	07/12/82	JA: OK			
8243559	17645	3501922451		102-4		REED #35-4	SOUTHEAST JOINER CITY	0.0	AMINOIL USA INC
-INTERNORTH INC				RECEIVED:	07/12/82	JA: OK			
8243529	15302	3505920706		103		SMITH #1-32	LOVEDALE	67.5	INTERNORTH INC
-JOHN R THOMPSON OPERATING INC				RECEIVED:	07/12/82	JA: OK			
8243570	14659	3511100000		108		LOUT #1	NW SE SEC 30-14N-13E	2.8	PHILLIPS PETROLEU
-JOSEPH I ONEILL JR				RECEIVED:	07/12/82	JA: OK			
8243525	15265	3500721147		108		OVERTON 1-5	MOCANE-LAVERNE	18.0	MICHIGAN-WISCONSI

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-LOBAR OIL CO INC				RECEIVED:	07/12/82	JA: OK			
8243530	15311	3508321048		103		FICKEN #B-1	CRESCENT	0.0	EASON OIL CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	07/12/82	JA: OK			
8243556	15357	3513700000		108		BAKER G #1	SE DOYLE	2.5	AMINOIL USA INC
8243527	15297	3507323417		103		GRELLNER A #1	WEST OKARCHE	0.0	ONG WESTERN INC
8243526	15294	3513730780		108		HUSSEY #2	S E DOYLE	9.0	AMINOIL USA INC
8243555	15356	3501720727		108		PETTIGREW A #1	UNION CITY	10.0	TRANSOK PIPELINE
-READING & BATES PETROLEUM CO				RECEIVED:	07/12/82	JA: OK			
8243560	17650	3512920758		102-2		CRONIN #1A-20	EAST CHEYENNE PROSPEC	1460.0	EL PASO NATURAL G
-RICKS EXPLORATION CO				RECEIVED:	07/12/82	JA: OK			
8243553	15353	3515321191		103		TOMMY 31E	WEST SHARON	34.0	PHILLIPS PETROLEU
-SELLERS & SELLERS				RECEIVED:	07/12/82	JA: OK			
8243567	12920	3506300000		108		HAWKINS #3	GREASY CREEK	0.7	PUBLIC SERVICE CO
8243565	12912	3506300000		108		HENRY #2	GREASY CREEK	0.4	PUBLIC SERVICE CO
8243566	12917	3506300000		108		TURNER #1	GREASY CREEK	0.3	PUBLIC SERVICE CO
-SPECTRA ENERGY CORP				RECEIVED:	07/12/82	JA: OK			
8243557	15974	3500722196		102-4		LONG #1	WILDCAT	3.0	TRANSWESTERN PIPE
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	07/12/82	JA: OK			
8243554	15355	3505121053		103		BINGHAM GAS UNIT #1	CHICKASHA NW	320.0	ARKANSAS-LOUISIAN
-TXO PRODUCTION CORP				RECEIVED:	07/12/82	JA: OK			
8243535	15343	3503920504		103		MEEK "B" #1	WILDCAT	65.0	DELHI GAS PIPELIN
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	07/12/82	JA: OK			
8243533	15340	3512920644		103		CRAWFORD #1	CHEYDON	190.0	EL PASO NATURAL G
8243528	15299	3506120433		103		TURKEY FLAT #1	LEQUIRE	450.0	ARKANSAS LOUISIAN
-WESTERN OIL RESOURCES LTD				RECEIVED:	07/12/82	JA: OK			
8243571	14723	3511720714		108		COOPER-ROGERS #2	WEST JENNINGS	6.0	MID-AMERICA GAS L
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ANGERMAN ASSOCIATES INC				RECEIVED:	07/15/82	JA: PA			
8243631	11889	3706326654		103		NOLA & HAZEL E MCINTIRE #4	W PA - UPPER DEVONIAN	15.0	PEOPLES NATURAL G
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	07/15/82	JA: PA			
8243635	11504	3704921613		107-TF		M ALLEN #1	WATERFORD	18.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	07/15/82	JA: PA			
8243632	12067	3706322002		108		CLAYTON SUNDERLAND WN 1261	CANOE	20.0	GENERAL SYSTEM PU
8243633	12072	3706521526		108		EARL M STROUSE WN 1669	HENDERSON	4.4	GENERAL SYSTEM PU
8243634	12073	3703320536		108		RAYMOND NELSON WN 1325	BRADY	20.0	GENERAL SYSTEM PU
-ENVIROGAS INC				RECEIVED:	07/15/82	JA: PA			
8243636		3704921655		103		J HALL #1	WILDCAT	18.0	COLUMBIA GAS TRAN
-G & G GAS INC				RECEIVED:	07/15/82	JA: PA			
8243637	11956	3706522498		103		K SMITH #1	BEAVER	16.0	COLUMBIA GAS TRAN
-KALTSAS OIL CO				RECEIVED:	07/15/82	JA: PA			
8243640	12010	3704921507		103		E MARY HENDERSON #1	NORTH EAST	32.0	COLUMBIA GAS TRAN
8243645	12015	3704921502		107-TF		E MARY HENDERSON #1	NORTH EAST HORNBY POO	32.0	COLUMBIA GAS TRAN
8243639	12009	3704921611		103		PATRICIA CHYLINSKI MCNAUGHTON #2	NORTH EAST	13.0	COLUMBIA GAS TRAN
8243644	12014	3704921611		107-TF		PATRICIA CHYLINSKI MCNAUGHTON #2	NORTH EAST HORNBY POO	13.0	COLUMBIA GAS TRAN
8243641	12011	3704921684		103		PAUL WEIDLE #1	NORTH EAST	50.0	COLUMBIA GAS TRAN
8243643	12013	3704921684		107-TF		PAUL WEIDLE #1	NORTH EAST	50.0	COLUMBIA GAS TRAN
8243638	12008	3704921733		103		PAUL WEIDLE #2	NORTH EAST	60.0	COLUMBIA GAS TRAN
8243642	12012	3704921733		107-TF		PAUL WEIDLE #2	NORTH EAST	60.0	COLUMBIA GAS TRAN
-KEYSTONE OIL & GAS PRODUCTIONS INC				RECEIVED:	07/15/82	JA: PA			
8243646	11569	3706326280		103		KENDALL #2-A	CHARLES W KENDALL	37.0	T W PHILLIPS GAS
8243647	11570	3706326215		103		KENDALL #3-A	CHARLES W KENDALL	41.6	T W PHILLIPS GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-LONDON OIL & GAS CO INC				RECEIVED:	07/15/82	JA: PA			
8243648	12049	3703120810		103		DAVIS BOYD #2	PICKARD VALLEY	12.0	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	07/15/82	JA: PA			
8243652	12047	3703100000		108		C J KERR #3400	LIMESTONE TOWNSHIP	0.6	GENERAL SYSTEM PU
8243651	12046	3706500000		108		D R SMITH #3653	PINECREEK TOWNSHIP	9.7	GENERAL SYSTEM PU
8243650	12042	3706500000		108		J T BURNS #3074	ROSE TOWNSHIP	14.7	GENERAL SYSTEM PU
8243653	12048	3706500000		108		P A HUNTER #2141	KNOX TOWNSHIP	1.1	GENERAL SYSTEM PU
-NEA CROSS CO				RECEIVED:	07/15/82	JA: PA			
8243649	11586	3704921705		107-TF		MORASKI/WEBSTER #1	UNNAMED	15.0	NATIONAL FUEL GAS
-PHILLIPS PRODUCTION CO				RECEIVED:	07/15/82	JA: PA			
8243655	09183	3706325566		108		FLORA KURNAVA #1	CENTER	10.0	COLUMBIA GAS TRAN
8243654	09179	3706323976		108		JENNIE B ADAMS ESTATE #4	CENTER	12.0	COLUMBIA GAS TRAN
8243660	9337	3703320996		108		KATHRYN MOWERY #1	BELL	12.0	CONSOLIDATED GAS
8243661	10409	3706323737		108		LEVI E MILLER #1	WEST MAHONING	15.0	WALLACE-MURRAY CO
8243663	11963	3706325586		108		PATRICIA A LUCIK #1	RAYNE	4.0	COLUMBIA GAS TRAN
8243658	09186	3706325492		108		PAUL E ROOF #1	WASHINGTON	14.0	COLUMBIA GAS TRAN
8243657	09185	3706325493		108		PAUL E ROOF #2	WASHINGTON	6.0	COLUMBIA GAS TRAN
8243656	09184	3706325494		108		RALPH RICHARD BROWN #1	CENTER	10.0	COLUMBIA GAS TRAN
8243662	11962	3706325613		108		RICHARD L BROWN #1	EAST MAHONING	6.0	COLUMBIA GAS TRAN
8243664	11965	3706325561		108		RICHARD MILLER #1	MARION CENTER BORO	12.0	COLUMBIA GAS TRAN
8243659	09336	3703320985		108		RONALD MILLER #1	BELL	18.0	CONSOLIDATED GAS
-S T JOINT VENTURE - 81-B				RECEIVED:	07/15/82	JA: PA			
8243675	12004	3706522440		103		BUHITE #1	MC CALMONT	25.0	NATIONAL FUEL GAS
8243673	12001	3706522431		103		BUHITE #2	MC CALMONT	25.0	NATIONAL FUEL GAS
8243674	12002	3706522420		103		PACHETTI #1	WINSLOW	25.0	NATIONAL FUEL GAS
-T W PHILLIPS GAS & OIL CO				RECEIVED:	07/15/82	JA: PA			
8243671	12051	3706323084		108		A C ELKIN #1	WASHINGTON	1.7	T W PHILLIPS GAS
8243665	12051	3706321129		108		A L BRAUGHLER #1	GRANT	2.8	T W PHILLIPS GAS
8243668	12054	3706320297		108		GLENN H MEANS #1	NORTH MAHONING	3.3	T W PHILLIPS GAS
8243667	12053	3706320351		108		H G LOCKHART #1	SOUTH MAHONING	3.1	T W PHILLIPS GAS
8243669	12055	3706320909		108		HOWARD P KNAUF #1	NORTH MAHONING	3.0	T W PHILLIPS GAS
8243672	12058	3706320872		108		HOWARD P KNAUFF #2	NORTH MAHONING	4.2	T W PHILLIPS GAS
8243670	12056	3706320597		108		IDA J KINSELL #1	NORTH MAHONING	7.0	T W PHILLIPS GAS
8243666	12052	3706320218		108		MINNIE FAY #2	BURRELL	5.5	T W PHILLIPS GAS
-UNION DRILLING INC				RECEIVED:	07/15/82	JA: PA			
8243678	11515	3706325436		108		R H RAY #2 0680	RAYNE TOWNSHIP	13.0	COLUMBIA GAS TRAN
8243679	11517	3706325525		108		ROBERT RISING #1 0579	RAYNE TOWNSHIP	18.0	COLUMBIA GAS TRAN
8243676	11510	3706325526		108		ROBERT RISING #2 0592	RAYNE TOWNSHIP	19.0	COLUMBIA GAS TRAN
8243677	11512	3706325513		108		WILLIAM P DEEDS #3 0653	RAYNE TOWNSHIP	11.0	COLUMBIA GAS TRAN
-WELLMAN-CRAWFORD DRILLING				RECEIVED:	07/15/82	JA: PA			
8243681	11647	3704921488		107-TF		R CRAWFORD #1	EDINBORO	10.0	COLUMBIA GAS TRAN
8243680	11646	3704921488		102-2		ROBERT CRAWFORD #1	EDINBORO	10.0	COLUMBIA GAS TRAN
-ZETA S T JOINT VENTURE 80				RECEIVED:	07/15/82	JA: PA			
8243682	12005	3706326157		103		DUKE #1	PAYNE	25.0	COLUMBIA GAS TRAN
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VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
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-PHILADELPHIA OIL COMPANY				RECEIVED:	07/13/82	JA: VA			
8243683		4505120437		107-TF		INTERSTATE COAL & IRON CO #P-132	NORA	47.7	KENTUCKY WEST VIR
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WEST VIRGINIA DEPARTMENT OF MINES									
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-ASHLAND EXPLORATION INC				RECEIVED:	07/12/82	JA: WV			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8243581		4704500618		108		AMHERST LAND CO #39 - 025720	LOGAN-WYOMING	18.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:		07/12/82 JA: WV			
8243583		4703302666		103		PAUL A HORNER 12728	GRANT DISTRICT	55.0	GENERAL SYSTEM PU
-DAVID A FRESHWATER				RECEIVED:		07/12/82 JA: WV			
8243579		4701303306		108		B B SHIMER #1	YELLOW CREEK	0.0	ROARING FORK GAS
8243580		4701303322		108		B B SHIMER #2	YELLOW CREEK	0.0	ROARING FORK GAS
-FERRELL L PRIOR				RECEIVED:		07/12/82 JA: WV			
8243592		4707300976		107-DV		DILLON #1	SHULTZ	0.0	CONSOLIDATED GAS
8243593		4707300986		107-DV		DILLON #2	SHULTZ	0.0	CONSOLIDATED GAS
8243587		4707301059		107-DV		DILLON #3	GRANT	0.0	CONSOLIDATED GAS
8243591		4707300975		107-DV		HAMMETT #1	SHULTZ	0.0	CONSOLIDATED GAS
8243586		4707300996		107-DV		HAMMETT #2	SHULTZ	0.0	CONSOLIDATED GAS
8243588		4707301078		107-DV		INGRAM #2	SHULTZ	0.0	CONSOLIDATED GAS
-J SCOTT TALBOTT				RECEIVED:		07/12/82 JA: WV			
8243582		4704302515		107-DV		J P COVEY HEIRS #3 W-11	J P COVEY HEIRS #3 W-	0.0	COLUMBIA GAS TRAN
-RIDGEWOOD RESOURCES INC				RECEIVED:		07/12/82 JA: WV			
8243584		4707321255		107-DV		CLIFFORD LAMP #3	MEADE	10.0	COLUMBIA GAS TRAN
8243585		4709520915		107-DV		HAROLD GREGG #1	MEADE	10.0	COLUMBIA GAS TRAN
-ROGERS & SCULL				RECEIVED:		07/12/82 JA: WV			
8243590		4701303344		103		LON POWELL #1-A	LEE DISTRICT	0.0	ROARING FORK GAS
8243589		4701303340		103		LONZO LAUGHLIN #2	LEE DISTRICT	0.0	ROARING FORK GAS
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
**********									
-CHEVRON U S A INC				RECEIVED:		07/14/82 JA: CO 1			
8243606	CD0217-82	0510308812		103		ASSOCIATED "B" 4X	RANGELY	2.8	NORTHWEST PIPELIN
8243602	CD0212-82	0510308815		103		ASSOCIATED LARSON UNIT A 2X	RANGELY	12.1	NORTHWEST PIPELIN
8243603	CD0213-82	0510308738		103		F V LARSON B-24X	RANGELY	13.1	NORTHWEST PIPELIN
8243604	CD0215-82	0510307936		103		L N HAGOOD A-12X	RANGELY	15.3	NORTHWEST PIPELIN
8243605	CD0216-82	0510307947		103		S B LACY 6X	RANGELY	6.6	NORTHWEST PIPELIN
-COSEKA RESOURCES (USA) LIMITED				RECEIVED:		07/14/82 JA: CO 1			
8243597	CD0172-82	0510308662		102-2		FEDERAL #1-35-4-104	WILDCAT	27.2	MONO POWER CO
-EL PASO EXPLORATION CO				RECEIVED:		07/14/82 JA: CO 1			
8243596	CD0120-82	0506705598		108		BONDAD 33-10 9 #13	IGNACIO BLANCO - MESA	21.0	NORTHWEST PIPELIN
-INTERCONTINENTAL PETROLEUM EXPL				RECEIVED:		07/14/82 JA: CO 1			
8243598	CD0201-82	0510308841		107-TF		I-2-3-101	CATHEDRAL	45.0	NORTHWEST PIPELIN
-KOCH INDUSTRIES INC				RECEIVED:		07/14/82 JA: CO 1			
8243607	CD0260-82	0507708426		103		HORSESHOE CANYON #1-33 (DAKOTA)	SHIRE GULCH	90.0	NORTHWEST PIPELIN
8243601	CD0209-82	0507708382		107-TF		HORSESHOE CANYON #2-34	ROBERTS CANYON/SHIRE	118.0	NORTHWEST PIPELIN
8243599	CD0203-82	0507708427		103		HORSESHOE CANYON UNIT #2-27	ROBERTS CANYON-SHIRE	66.0	NORTHWEST PIPELIN
8243600	CD0204-82	0507708427		103		HORSESHOE CANYON UNIT #2-27	ROBERTS CANYON-SHIRE	55.0	NORTHWEST PIPELIN
8243608	CD0261-82	0507708426		103		HORSESHOE CANYON 1-33 (CORCORON)	SHIRE GULCH	20.0	NORTHWEST PIPELIN
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		07/14/82 JA: CO 1			
8243609	CD0267-82	0510308385		103		SAGEBRUSH HILLS UNIT 2 #31-1-99	CORRAL CREEK	130.0	NORTHERN NATURAL
-TETON ENERGY CO INC				RECEIVED:		07/14/82 JA: CO 1			
8243594	CD0474-81	0507700000		102-2		COON HOLLOW #1	DEBEQUE	155.0	NORTHWEST PIPELIN
-TEXAS GAS EXPLORATION CORP				RECEIVED:		07/14/82 JA: CO 1			
8243595	CD0028-82	0507708372		102-4		FEDERAL 33-19	S CANYON	0.0	TEXAS GAS TRANSMI
-BOWERS OIL & GAS EXPLORATION INC				RECEIVED:		07/14/82 JA: UT 1			
8243611	UD0496-81	4301930411		108		BOWERS FED #1-6	GREATER CISCO	12.0	NORTHWEST PIPELIN
-CONOCO INC				RECEIVED:		07/14/82 JA: UT 1			
8243610	UD0469-81	4304730961		107-TF		CONOCO WEEKS 6 #29	OURAY	182.0	MOUNTAIN FUEL SUP
-COTTON PETROLEUM CORPORATION				RECEIVED:		07/14/82 JA: UT 1			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8243614	UD0169-82	4304700000		107-TF		LOVE UNIT #4-1	WILDCAT	185.0	NATURAL GAS CORP
8243613	UD0167-82	4301300000		102-2		PETE'S WASH UNIT #1-22	WILDCAT	0.0	UNITED GAS PIPELI
-MOUNTAIN FUEL SUPPLY COMPANY				RECEIVED:	07/14/82	JA: UT 1			
8243616	UD0220-82	4304730725		103		ISLAND UNIT WELL #10	ISLAND	550.0	MOUNTAIN FUEL SUP
-NP ENERGY CORPORATION				RECEIVED:	07/14/82	JA: UT 1			
8243615	UD0219-82	4301930760		103		FEDERAL WELL 23-4	CISCO DOME	36.5	NORTHWEST PIPELIN
-SNYDER OIL CO				RECEIVED:	07/14/82	JA: UT 1			
8243617	UD0257-82	4304730815		103		WEST WALKER FEDERAL 1C-33-6-22	HORSESHOE BEND	187.0	NORTHWEST PIPELIN
-WILLIAM W WHITLEY				RECEIVED:	07/14/82	JA: UT 1			
8243612	UD0133-82	4303730546		103		FEDERAL #2-25 3-E	TURNER BLUFF	40.0	EL PASO NATURAL G

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before August 30, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–22141 Filed 8–12–82; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Implementation of Special Refund Policies

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures,[1] solicitation of comments, and notice of public hearings.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $72,000,408 obtained by the DOE under the terms of a consent order entered into with Standard Oil Company (Indiana). The funds were provided by the firm in order to settle enforcement proceedings brought by the Office of Special Counsel.

DATES AND ADDRESSES: Comments must be filed within 30 days of publication of this notice in the Federal Register and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Ave., NW., Washington, D.C. 20461. All comments should display conspicuously a reference to case number BFF–6007. Five public hearings on the matter will be held. All requests to speak at the hearings should be submitted to: Mrs. Margaret A. Slattery, Public Docket Room, Office of Hearings and Appeals, Room 1111, 1200 Pennsylvania Ave., NW., Washington, D.C. 20461 (Telephone (202) 633–8959). Each hearing will begin at 10:00 a.m. Dates and places for the hearings are as follows:

Monday, September 20, 1982—Kansas City, MO: EPA Building, 324 East 11th Street, 4th Floor, Kansas City, Missouri 64106

Wednesday, September 22, 1982—Chicago, Illinois (The hearing may be continued on Thursday, September 23, if necessary.): Ceremonial Room, U.S. District Court Building, 219 South Dearborn Street, Chicago, Illinois 60604

Friday, September 24, 1982—Atlanta, Georgia: L. D. Strom Auditorium, Richard B. Russell Building, 75 Spring Street, SW., Atlanta, Georgia 30303

Tuesday September 28, 1982—Dallas, Texas: Earl Campbell Building, Room 7A23, 1100 Commerce Street, Dallas, Texas 75242

Thursday, September 30, 1982—Washington, D.C.: New Post Office Building, Room 3000–A, 1200 Pennsylvania Ave., NW., Washington, D.C. 20461

FOR FURTHER INFORMATION CONTACT:

Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Ave., NW., Washington, D.C. 20461; (202) 633–8377

Roger J. Klurfeld, Assistant Director, Terry Johnson, Deputy Assistant Director, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Ave., NW., Washington, D.C. 20461; (202) 633–8362

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order tentatively establishes procedures to distribute to adversely affected parties a total of $72,000,408 obtained by the DOE under the terms of a consent order entered into with Standard Oil Company (Indiana), commonly known as Amoco. The funds were provided to the DOE by the firm in order to settle claims and disputes between Amoco and the DOE regarding the manner in which Amoco applied the federal price and allocation regulations with respect to its importation, refining, and sale of crude oil and covered petroleum products during the period between March 3, 1973 and December 31, 1979. In the consent order, the parties stipulated that the funds were to be distributed by the DOE pursuant to 10 CFR Part 205, Subpart V.

In summary, we have proposed to divide the Amoco settlement fund into six portions. First, we tentatively decided to apportion the fund into a crude oil pool and a refined products pool based upon the proportion of Amoco's revenues during the consent order period represented by those two classes of sales. We further divided the refined products pool into five specific product group portions. The share of the refined products pool which each specific product group was apportioned was based upon the proportion of Amoco's sales volume which the product represented. We held generally that we would adopt a two-stage refund procedure for each of the six pools. In the first stage, claimants may file Applications for Refund for a share of the fund. We proposed various procedures for first-stage claimants according to which pool they were claiming from. We noted that the potentially enormous number claims that could reasonably be expected in the categories of motor gasoline and middle distillates called for the adoption of presumptions that would facilitate the processing of applications in a cost-efficient manner, and we set forth for comment tentative presumptions along with our basis for making them. Finally, inasmuch as the amounts of money remaining after the valid applications have been paid is uncertain, we set forth a number of alternative proposals for each pool for distribution of the fund to persons who were likely affected by Amoco's regulatory practices.

It should be pointed out that until final procedures are adopted, no claims for refunds will be accepted. Applications for Refund therefore should *not* be filed

[1] The Appendices are not reproduced; they are filed as a part of the original document. Copies are available from Mrs. Margaret Slattery of the Office of Hearings and Appeals Public Docket Room, whose address and telephone number appear in the preceding notice.

at this time. Appropriate public notice, including notice published in the **Federal Register**, will be provided prior to the acceptance of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register** and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, 1200 Pennsylvania Ave., N.W., Washington, D.C. between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

After all comments have been received, public hearings on this matter will be held at the times and places specified at the beginning of this notice.

Issued in Washington, D.C. on August 9, 1982.

Richard T. Tedrow,

Acting Director, Office of Hearings and Appeals.

August 9, 1982.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Special Counsel for Compliance, Economic Regulatory Administration: In the Matter of Standard Oil Company (Indiana)
Date of Filing: July 18, 1980
Case Number: BFF–0007

The procedural regulations of the Department of Energy permit the Economic Regulatory Administration's Office of Special Counsel (OSC) to 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 those regulatory provisions, the OSC filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Standard Oil Company (Indiana). Under the terms of the consent order Standard, or Amoco as it is commonly known, agreed to a general settlement of outstanding DOE compliance matters. As a part of the settlement, DOE agreed to stipulate to dismissal of all pending administrative and judicial proceedings regarding Amoco's compliance with the DOE regulations, with certain enumerated exceptions, and Amoco agreed to make refunds to compensate for alleged violations of the DOE regulatory program during the period March 6, 1973 through December 31, 1979. Amoco has remitted $72,000,408 to the DOE, and those funds are now being held in an escrow account under the jurisdiction of the DOE pending instructions from the Office of Hearings and Appeals regarding their distribution. The escrow account is an interest-bearing account, and as of July 30, 1982, the Amoco funds have earned $24,203,754.40, which is also available for distribution.

Although this Office has had some experience in fashioning special refund procedures dealing with "global" consent orders that cover the full range of a firm's compliance with the DOE regulations, *see, e.g., Office of Special Counsel*, 9 DOE ¶ 82,538 (1982) (hereinafter cited as *Tenneco*), this is the first case in which a large fund is available for distribution to an enormous number of potential claimants located throughout the nation. Prior to this case, most of our Subpart V proceedings have covered only certain refined products, *e.g., Office of Enforcement*, 9 DOE ¶ 82,508 (1981) (hereinafter cited as *Coline*), a limited fund, *e.g., Tenneco*, or a limited geographical market area, *e.g., Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers*). We have issued proposed Decisions, considered the many comments which we received about our proposals, and issued final Decisions in 94 Subpart V cases. Through processing these simpler proceedings, we have gained valuable experience which will need to be applied in this extremely complex case. This Decision sets forth for comment the procedures which we propose to adopt for the distribution of the Amoco settlement funds.

I. Background

Amoco is a major integrated oil company whose wholly-owned subsidiaries produce, transport, sell, and refine crude oil and petroleum products. The firm's domestic sales of refined petroleum products made it the fourth largest seller of petroleum products in the United States during the consent order period. Beginning in 1973 the Department of Energy's predecessors undertook a comprehensive audit of Amoco's compliance with the federal petroleum price and allocation regulations. The audit continued until the proposed consent order was signed on February 14, 1980. *See* Consent Order, ¶¶ 301 and 304. Based on information obtained through the audit, the OSC believed that Amoco had violated a number of the regulatory provisions enforced by the agency. Several administrative actions were instituted against Amoco as a result of the audit. Additionally, Amoco and the DOE each filed at least one civil suit against the other on matters arising out of the audit. *See* Consent Order, ¶¶ 414–15.

Subsequently, Amoco and the DOE entered into the consent order involved in this proceeding. With a few specified exceptions, the consent order settles all pending and potential disputes between Amoco and the DOE regarding the firm's compliance with the petroleum regulations administered by the agency during the period March 6, 1973 through December 31, 1979. [*1*]

In settlement of the DOE's claims against the firm, Amoco agreed to (1) deposit $71 million in an escrow account to be disbursed as directed by the DOE; (2) distribute $29 million in refunds directly to certain end-user purchasers of middle distillate products during the consent order period, and to add any funds remaining from the $29 million as of December 31, 1980 to the $71 million escrow account; (3) reduce its "banks" of unrecovered product cost increases for motor gasoline and propane by a total of $180 million; and (4) invest $410 million in energy-related projects as approved by the DOE. In exchange, the DOE agreed to terminate the Amoco audit and pending administrative and judicial claims against Amoco for violations allegedly occurring during the period March 6, 1973 through December 31, 1979.

On February 25, 1980, the OSC published notice of the proposed consent order in the **Federal Register** as required by the DOE regulations at 10 CFR 205.199J(c). *See* 45 FR 12287 (1980). The OSC considered numerous comments which it received concerning the proposed consent order and concluded that it should adopt the consent order as final on April 21, 1980. *See* 45 FR 26747 (1980).

On July 18, 1980, the OSC filed the present Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals. In its petition, the OSC requested that OHA develop procedures for the distribution of the $71 million fund created pursuant to paragraph 403 of the Consent Order. In an interlocutory order issued on August 21, 1980, OHA accepted jurisdiction over the matter. *See Office of Special Counsel*, 6 DOE ¶ 82,572 (1980). Our determination to accept jurisdiction over the case was based on the amount of money involved, the complexity of disbursing this sum, and the importance of providing adequate notice to persons who may have an interest in the funds. *Id.* at 85,220. Subsequently, an additional sum or $1,000,408, which remained undistributed under the other remedial provisions of the consent order, was added to the $71,000,000 fund in the escrow account for distribution under the special refund procedures to be established by the Office of Hearings and Appeals.

II. Overview of Proceeding

The purpose of this proceeding is to distribute to the maximum extent practicable the $72 million settlement fund among parties who may have been injured by Amoco's regulatory practices. As noted above, Amoco is a major integrated oil company whose regulated activities during the consent order period included the production, sale, resale and exchange of crude oil and refined petroleum products to both affiliated and nonaffiliated entities. In formulating refund mechanisms for distributing the $72 million settlement fund, we must remember that potential claimants will be very numerous and will include firms and parties of all sizes and degrees of sophistication. For example, we would expect that the firms that purchased product from Amoco would range from major integrated refiners and large pipeline companies to small retailers. In addition, we have received numerous inquiries regarding the submission of applications for refund from individuals who purchased motor gasoline at retail, a government entity that purchased millions of

gallons of fuel for resale, (2) and both large and small resellers of petroleum products. Furthermore, information presently in the record indicates that Amoco sold petroleum products through over 23,400 independent retailers, all of whom are potential claimants. Under these circumstances, it will be necessary to base our evaluation of the numerous applications for refund which we expect to receive upon appropriate presumptions. The establishment of presumptions is specifically authorized in the Subpart V regulations, 10 CFR 205.282(e), and their use will enable us to distribute these funds in the most efficient, effective and equitable manner. To that end we have obtained a large volume of information concerning Amoco's petroleum marketing operations in particular, as reported by the firm in confidential reports which it was required to file with the Energy Information Administration, and petroleum marketing practices in the United States in general. (3) We have also reviewed general market data available in trade publications and in publicly available DOE files pertaining to the consent order period. Using this information, and drawing upon our experience with the petroleum industry, we propose to adopt the detailed refund procedures, which include certain presumptions, set forth below.

In considering how best to structure this proceeding, we begin with an examination of the classes of potential claimants as defined by the consent order. That universe includes all persons who purchased or who were denied a right to purchase crude oil or covered petroleum products from Amoco during the period April 1973 through December 1979. (4) However, based upon our experience with this type of proceeding and the terms of the Amoco settlement, we believe that there are certain groups of purchasers which should be excluded from participating in the refund process. The settlement agreement excepts from coverage transactions related to certain disputed stripper well properties. Consequently, since those transactions are excluded from the consent order the parties to those excluded transactions will not be permitted to file refund applications in this proceeding. In addition, under the terms of the consent order a significant number of Amoco's middle distillate customers, who accounted for 39.57 percent of Amoco's sales of those products during the consent order period, have already received substantial refunds. They too will be excluded from participation in the present proceeding since they were eligible for refunds under § 404 of the consent order. Finally, we shall presume that firms who made only spot purchases of Amoco crude oil or refined products did so only when they were able to pass through the full amount of Amoco's quoted selling price at the time of purchase to their own customers. Accordingly, spot purchasers will not be eligible to file Applications for Refund. *See Tenneco Oil Co./J.O. Cook, Inc.*, 9 DOE ¶ 82,581 (1982) and cases cited therein.

III. Refunds Related to Crude Oil Transactions

The effects of Amoco's alleged regulatory violations on its customers differ, depending on whether the transactions involved its sales of crude oil or refined products, due to the difference in the treatment of these items by the DOE regulations. As we observed in *Office of Enforcement*, 9 DOE ¶ 82,520 (1982) (hereinafter cited as *Alkek*), the effects of regulatory violations involving the miscertification of crude oil were spread equally among all domestic refiners and ultimately to consumers nationwide due to the operation of the DOE's Crude Oil Entitlements Program, 10 CFR 211.67. *See Alkek*, 9 DOE at 85,133. In the present case this would be true whether Amoco refined the allegedly miscertified crude oil itself or sold it to another refiner, because in either event the ultimate refiner would report in its monthly reports to the DOE the improperly certified crude oil and that incorrect figure would then have been used to calculate the domestic old oil supply ratio ("DOSR") and the reporting refiner's entitlements position. (5) See generally 10 CFR 211.67. We have previously discussed this effect in *Alkek:*

> [b]ecause of the operation of the Entitlements Program refiners that purchased crude oil from the parties that had signed these consent orders were not injured in a manner distinct from all other refiners. This is because the amount the individual refiners paid in excess of the controlled price for the miscertified crude oil was balanced by the extra benefits they received by the operation of the Entitlements Program. Thus, we reasoned that if all refiners as a group were not appropriate refund recipients, individual refiners which directly purchased the crude oil involved also would not be appropriate refund recipients. *Id.*, slip op. at 6, 46 FR at 26683. Secondly, we stated that through the operation of the Entitlements Program, all refiners lost benefits as a result of the miscertifications of crude oil. We noted that to some extent the refiners probably passed on these increased costs to subsequent purchasers. Also, to the extent these costs were not passed on, we stated that because of such factors as the accumulation of refiners' banks of increased costs, changes in supplier/purchaser relationships, and the fluctuation of prevailing crude oil costs and price levels during the relatively lengthy period covered by the consent orders, it would be extremely burdensome to compute with precision the degree to which each refiner absorbed any increases in costs engendered by the miscertifications. We therefore questioned the practicality of channeling the consent order funds to Entitlements Program participants. *Id.* We also noted that the decontrol of crude oil was another factor which weighed against making refunds directly to the refiners that purchased the crude oil or to all refiners that participated in the Entitlements Program. We observed that had the DOE regulatory scheme still been in effect, any refunds which a refiner received would have been reflected as a decrease in the cost of crude oil and may have affected its maximum lawful selling prices of covered products. In this manner, the parties further down the distribution chain that were likely to have been adversely affected by the alleged overcharges would have received some benefit associated with the refunds. However, since decontrol occurred on January 28, 1981, the mechanism of price rollbacks is of doubtful effectiveness.

Alkek, 9 DOE at 85,133 (citations omitted).

Because of these considerations we have concluded that we should use standards for the evaluation of applications for refund from parties whose claims are based upon purchases or rights to purchase crude oil which are different from the standards applied to purchases or rights to purchase refined petroleum products. We will set aside an appropriate portion of the settlement fund to be distributed in a two-stage special refund mechanism of the type implemented with respect to the 24 crude oil settlement funds in the *Alkek* case and the 33 crude oil settlement funds in *Office of Enforcement*, 9 DOE ¶ 82,553 (1982) (hereinafter cited as *Adams*). In determining the appropriate portion of the consent order fund to be allocated to crude oil claims, we have computed a ratio of Amoco's revenues during the consent order period from domestic sales of crude oil (excluding interaffiliate transfers), reduced by the percentage represented by the transactions excluded from the coverage of the consent order (6), to Amoco's revenues during the consent order period from domestic sales of crude oil and refined products. This yielded a ratio of 11.5 to 50, or a percentage figure of 22.9 percent of the fund. Accordingly, $16,478,093 (or 22.9 percent of the refund amount), to which appropriate interest will be added at the time of distribution, will be set aside for payment of refund claims involving sales of crude oil. The remaining $55,522,315, which is not allocable to crude oil transactions, will be available for distribution to purchasers of Amoco's refined petroleum products during the consent order period. The procedure for refunds related to refined product transactions is discussed in Section IV of this Decision.

As in *Alkek*, we propose to implement a two-stage refund procedure. The $16,478,093 crude oil pool will first be distributed among firms who successfully establish in their Applications for Refund that they suffered a particularized injury that was not redressed by the regulatory system. For example, a firm that purchased and refined Amoco crude oil prior to November 1, 1974, the first month of the Entitlements Program, could be a claimant. *See Alkek*, 9 DOE at 85,137. In addition, a successful applicant would have to demonstrate actual injury—*i.e.* that the effects of the alleged regulatory infraction were not simply passed through to its customers in the form of higher prices for its refined products. *See, e.g., Coline.*

To the extent that funds remain in the Amoco crude oil pool after all successful applicants are paid in the first stage, we propose that the residual funds be distributed among state governments along with and for the same purposes as the residual funds in other crude oil-related special refund cases such as *Alkek* and *Adams*. The funds would be apportioned among state governments to reflect the level of petroleum consumption in each state between 1973 and 1979, the years in which the violations were alleged to have occurred. All states, not just those in which Amoco sold crude oil or refined products,

would share in this distribution because, as noted above, the DOE Entitlements Program spread out the effects of crude oil violations to all consumers of refined products nationwide. As in the cases involved in the *Alkek* proceeding, we are unable to determine conclusively what should be done with the residual funds apportioned to Amoco's crude oil sales because the amount remaining after the first stage affects the appropriateness of the seond-stage distribution scheme. *See Alkek,* 9 DOE at 85,138; *Office of Enforcement,* 8 DOE ¶ 82,597, at 85,397 (1981). However, if the amounts remaining in this proceeding are pooled with the residual funds from the *Alkek* and *Adams* consolidated proceedings, it is likely that the amount of money to be distributed to each state will be sufficient to enable the states to undertake one or more energy-related projects designed to convey benefits to the class of persons (*i.e.* all consumers of refined petroleum products) who were likely to have been injured by Amoco's allegedly illegal crude oil pricing practices. For example, some of the states suggested in *Alkek* that the refunds could be directed to specific local energy conservation programs, such as home weatherization, ride-sharing and mass transit. *Alkek,* 9 DOE at 85,138. Finally, if the sum remaining from the crude oil portion of the Amoco settlement fund after the first-stage distribution is so small as to render a second-stage distribution inefficient or impractical, we may then direct the deposit of the remainder of this portion into the miscellaneous receipts account of the United States Treasury. *See* 10 CFR 205.287(c).

IV. Refunds Related to Refined Products Transactions

With regard to the $55,522,315 portion of the Amoco settlement fund which we have tentatively determined to allocate to parties claiming refunds based on refined products transactions, we propose to make a further division of the fund into portions that will be allocated for refunds based on five major groups of refined products sold by Amoco during the consent order period. The portion assigned to each group will be based on the proportion of sales in this group during the consent order period that each was subject to DOE price and allocation controls to Amoco's total sales of covered refined products, excluding sales for which parties have already received refunds. (7). For example, since motor gasoline represented 66.27 percent by volume of Amoco's sales of refined products, the motor gasoline "pool" will equal 66.27 percent of the products portion of the fund, or .6627 × $55,522,315. The five groups, their respective percentages, and the amount of money to be allocated to each group are set forth below:

Refined product	Percentage of refined products	Amount of fund[1]
Motor gasoline	66.27	$36,794,638
Natural gas liquids	13.35	7,412,229
Middle distillates	9.16	5,085,844
Residual fuel greases	7.08	3,930,980
Aviation gasoline/jet fuel	4.14	2,298,624
Total	100.00	55,522,315

[1] As of July 30, 1982, accrued interest amounted to 33.62 percent of the amount of funds shown in this table, or $18,666,602. This amount will be added to the amount shown in disbursing refunds.

There are several reasons underlying our determination to differentiate among claimants on the basis of type of refined product purchased. The DOE regulations in effect during the consent order period reflected different treatment for different types of products. See 10 CFR Part 212, Subparts D (crude oil producer price rule), E (refiner price rule), F (reseller price rule), K (natural gas liquids price rule), and L (crude oil reseller price rule). The DOE allocation regulations codified in 10 CFR Part 212 also provided for different methods of mandatory allocation for different products. Some refined products, such as middle distillates and jet fuel, were exempted from controls during part of the consent order period while other products, such as motor gasoline and propane were subject ot controls throughout the entire period. Furthermore, the distribution systems through which each type of product reached its ultimate consumer are quite different and distinct. In addition, the ultimates uses of the different types of products also varied considerably. For example, natural gas liquids were used in refinery operations for blending and processing, as fuel for transportation, cooking, space heating, industrial processes, crop-drying and as petrochemical feedstock. Consequently, we expect that claimants seeking a portion of the Amoco consent order funds will be as diverse in character as they are numerous. Therefore, based upon our experience with special refund cases involving single products, such as *Coline* (natural gas liquids) and *Vickers* (motor gasoline), we have determined that adoption of a plan that divides the Amoco products pool into five smaller pools based upon the type of product involved will best accomplish an efficient, administratively feasible distribution of these consent order funds.

We shall discuss the two-stage procedures which we propose to adopt for each type of product in the following sections. In the first stage, purchasers or groups of purchasers will be permitted to file applications for refund claiming a share of the refund money based upon their purchases of Amoco refined products. To take an extreme example, if a firm demonstrated that it purchased and consumed one-half of all of Amoco's motor gasoline volumes sold, that firm would be entitled to one-half of the money apportioned to motor gasoline claims, plus applicable interest.

We have calculated the estimated per gallon refund for all Amoco refined products as follows. Since the total number of gallons sold was used to apportion the fund among product pools, each gallon of product will be entitled to the same volumetric refund. Allocated on a purely volumetric basis, *i.e.* on the basis of the percentage of total product sales volumes divided into the total consent order funds, the refund, including interest as of July 30, 1982, approximates one-tenth of a cent per gallon ($74,188,917 divided by 77,862,665,000 gallons equals $.000953).

After all first-stage applications are analyzed and all successful claimants are paid, the remaining funds, if any, will be distributed in a second stage. The second stage will take into account the size of the residual fund and will be specially designed for each product pool to distribute money in a manner which will provide benefits to those parties who were most likely injured in transactions covered by the consent order.

A. Motor Gasoline Claims

Sales of motor gasoline represent the largest portion—66.27 percent—of Amoco's total sales of refined products during the consent order period. We expect to receive may claims from firms and individuals that purchased motor gasoline from Amoco during the consent order period. As noted above, the number of retail outlets that purchased Amoco motor gasoline during a representative year exceeded 23,000.

In order to process these large numbers of applications in a timely and cost efficient manner, we have concluded that we must adopt presumptions that will streamline the refund process. As noted above, the use of presumptions is specifically authorized by 10 CFR 205.282(e). In a previous case involving large numbers of motor gasoline resellers, we found it useful to employ a presumption that firms whose purchases totalled less than 600,000 gallons annually most likely absorbed any overcharges. *See Uban Oil Co.,* 9 DOE ¶ 82,541 (1982) (distributing refunds to firms that purchased less than 600,000 gallons of Vickers motor gasoline annually). That presumption was based on several factors. First, in that case the amount of money allocated volumetrically to those claimants could have been less than the cost such firms would have to incur in order to establish injury. In that regard we noted that our experience during the past eight years in dealing with over 20,000 firms in the petroleum industry indicated that small firms generally lacked sophisticated accounting and data collection systems. Secondly, based upon a comparision of national price data with Vickers price data and upon or expertise and knowledge concerning the competitive position of the independent marketers who purchased Vickers gasoline, we able to conclude that "in general, firms selling Vickers motor gasoline were unable to pass through the full amounts of the Vickers' price increases." *Uban,* 9 DOE at 85,224. The presumption resulted in significant administrative savings since the amount of the refund was easily computed by multiplying the total volume of a claimant's purchases during the consent order period by a figure representing a *pro rata* share of the consent order funds, plus interest.

Based upon our experience in *Vickers* and other refund cases, we have tentatively decided that the most efficient method of processing claims relating to motor gasoline purchases in the present case would be to be employ a similar but more detailed set of presumptions concerning the likelihood of injury to potential claimants as a result of Amoco's alleged price violations. In

developing this set of presumptions we looked at a wide range of data. In addition to the expertise which the office has developed in processing many thousands of applications for exception from the motor gasoline price and allocation regulations, we reviewed the administrative record underlying the DOE's 1979 amendments of the retailer and reseller-retailer price rules. *See* ERA Docket No. ERA–R–70–32E. We also obtained from the DOE Energy Information Administration (EIA) proprietary, confidential data showing Amoco's monthly refiner, dealer tankwagon, and retail prices for all grades of motor gasoline for the period July 1975 through December 1979. (*8*) We obtained similar data showing prices charged by other refiners during this period. Monthly prices were weight-averaged according to the proportionate share of total gasoline sales represented by each grade of gasoline.

During the 1979 motor gasoline crisis, many of the applicants for exception relief furnished this office with market survey data in support of their claims that their assigned supplier's prices were so high that the applicant could not profitably market its gasoline. We have noted that firms who sold Amoco branded motor gasoline rarely filed such applications, and the data submitted by other branded appllicants in this type of case frequently showed Amoco-branded stations posting prices that were around the median price for each particular market. Based on that experience, we developed a general impression that Amoco's motor gasoline prices generally fell around the national average. In order to test the validity of this impression, we have compared the Amoco weighted average prices to the weighted average prices charged by all refiners during this period. (*9*) This comparison yielded two findings. First, during the consent order period the price changes Amoco instituted generally were similar to prices changes implemented by all other refiners. In other words, Amoco's prices rose and fell as prices in the nationwide market rose and fell. Secondly, Amoco's prices throughout the period were generally in the middle of the range of prices charged by all domestic refiners. In addition, Amoco's marketing operations are extensive throughout the nation and reflect all aspects of marketing. Under these circumstances we conclude that it was unnecessary to focus on each local market and the position of individual resellers of Amoco products. Instead, we were able to utilize data concerning national average price movement for gasoline at different levels of the marketing chain to analyze the market for Amoco gasoline with a high degree of accuracy.

Moreover, our finding that Amoco's price changes were generally in the middle of the range for all refiners nationally is in sharp contrast with our finding in *Uban* that Vickers' prices, when compared with the average prices for geographical area in which Vickers marketed its gasoline, were generally higher than average. This finding led us to conclude that the reseller claimants involved in *Uban* most likely were forced to absorb price increases. In the case of firms who resold Amoco motor gasoline, it appears that although those firms would at times be forced to absorb some of the injury associated with Amoco's price increases, they were also able to pass through some portion of those increases to downstream purchases. To determine the amount of costs that were absorbed at each level of the distribution chain, and hence the level of injury at each level, we have compared the price movements for gasoline at various levels of that chaim during the consent order period.

The graph in Appendix A sets forth the national average prices for all refiners of motor gasoline during the consent order period at three levels of distribution. These levels are at the wholesale level, the dealer tankwagon level, and the retail level. The graph indicates that for the most part prices at each distribution level track one another, *i.e.* prices in these categories tend to remain at a fixed distance from each other as the prices in each category change. This indicates that when a refiner raised its prices at the refinery level, wholesalers and retailers also raised their prices to pass through these price increases. However, a number of other observations can be made. During the first three years, the lowest points on the ascending curves fell in the winter months while prices rose to their annual zenith in the summer months. The total margin between wholesale and retail prices ranged from a low of less than one cent per gallon during June 1979 to a high of 9.8 cents per gallon at the beginning of the measurement period. Jobbers' margins (wholesale minus dealer tankwagon price) slightly increased for the first six months while the retailers' margin (dealers tankwagon minus retail price) and the overall margins decreased. (However, the dealers' margin might have been at its high point for the year at the beginning of the measurement period, July 1975, due to the season.) Jobbers' margins stayed fairly steady for two years, slightly increased, then declined sharply beginning in 1978 and throughout 1979 as motor gasoline became scarce. Retailers' margins accounted for about 70 percent of the total margin at the beginning of the period, but shrank to around 50 percent until their dramatic increase during 1978. However, during 1979, the retailers' margin was drastically reduced as was the combined total margin obtained at the wholesale and retail level. It seems that firms may have encountered or have anticipated they they would encounter resistance to rapidly increasing prices during 1979 and therefore reduced their margins to keep overall prices lower. *See generally*, S. Erfle, J. Pound & J. Kalt, The use of Political Pressure as a Policy Tool During the 1979 Oil Supply Crisis, No. E–80–09 (April 1981) (Discussion Paper Series, John F. Kennedy School of Government, Harvard University). In summary, this graph confirms that any injury caused by increased prices was absorbed at different distribution levels at different times throughout the consent order period.

Our examination of this graph, accompanied by our knowledge of market conditions throughout the consent order period, has enabled us to make presumptions concerning the injury suffered by each distribution level during the entire consent order period. We have concluded that as Amoco's refinery prices increased, a portion of that increase was absorbed at the wholesale level while a portion was passed on to downstream purchasers. Those downstream purchasers in turn were evidently unable to pass through the entire remainder of the increase, so they likewise absorbed a portion and passed on a portion of the increase to ultimate consumers. Ultimate consumers at the end of the distribution chain absorbed the part of the price increase that was not absorbed by the previous levels of distribution. An analysis of the differences between price levels over time indicates the amount of cost absorption at each level of the distribution chain. During the first 12-month period indicated in the graph in Appendix A, the average margin for retailers, *i.e.* the difference between the average retail price and the average dealer tankwagon price, was approximately four cents per gallon. The average retail margin during the next 18-month period decreased to approximately three cents per gallon. During 1979 the average retail margin increased to five cents per gallon, and in 1979, a time of severe supply problems in the industry, margins shrank below historical levels. These findings lead to the conclusion that retailers were injured during 1979 and for six months previous to that year. In 1978 retailers recovered about two-thirds of the money lost as a result of the shrinkage of the average retail margin between the summer of 1976 and January 1978. Consequently, the ability of retailers to increase margins above four cents per gallon during 1978 offset part of the decrease in margin experienced in the previous period. Accordingly, we conclude that retailers were injured in 18 of 53 months of the period, and we will presume that any retailer absorbed 34 percent (18 divided by 53) of all cost increases during the consent order period.

A similar analysis can be done with respect to resellers. Appendix A indicates that during the initial 30 months for which information is available, resellers were able to maintain a margin of approximately four cents per gallon. Beginning in January 1978 and continuing throughout 1978, the average reseller margin decreased to approximately two cents per gallon. In 1979 the average reseller margin shrunk even further, reaching historical lows. Consequently, we find that despite price fluctuations during the August 1975 through December 1977 period, resellers in general were able to pass through price increases and thereby maintain their historical margin per gallon. Beginning in January 1978 and continuing through December 1979, the end of the consent order period, resellers were unable to pass through product cost increases to their customers. This is evident because the average reseller margin decreased sharply during this two-year period. We therefore presume that resellers were generally injured in 24 of 53 months, and we will presume that any reseller absorbed 45 percent (25 divided by 53) of all cost increases during the consent order period.

Finally, with respect to consumers, any injury affecting consumers must equal the cost pass through of resellers and retailers.

Since we will presume that resellers and retailers absorbed 79 percent of all cost increases, consumers will be entitled to 21 percent. We caution that these presumptions are necessarily general in nature, and have been adopted for administrative efficiency in order to enable us to process the expected large number of applications for refund. Although they are grounded in facts, and we believe them to accurately reflect the industry on the basis of our experience over the last eight years, they do not necessarily reflect the position of any particular firm or individual.

We will employ these presumptions to effect an equitable and administratively efficient distribution of the more than $50 million allocated for motor gasoline claimants in first-stage applications for refund. The presumptions are fair and equitable in that they recognized that no one group absorbed all of the alleged injury, and they provide an easy mechanism with which firms both large and small may apply for a portion of the available fund. In addition, this method will facilitate the rapid processing and payment of claims. Of course, these presumptions are not irrebuttable. Claimants who believes that these general presumptions are inapplicable to their particular case may, of course, file applications for refund with detailed information including their banks of unrecouped increased product costs and evidence substantiating their claim of injury. (*10*) In contrast, those claimants who are willing to have these presumptions applied in their case will only have to submit accurate information establishing the volume of their motor gasoline purchases and an explanation of the nature of their business during the consent order period.

However, most consumers' purchases will be unverifiable and are likely to be so small as to be inefficient to process, *see Uban*, 9 DOE at 85,225. In this connection, it is worth noting that the refund for the average passenger car driver in the United States, assuming that all of the motor gasoline used was purchased from Amoco, and that records of those purchases were available, would be $0.96 for the consent order period. (*11*) Even if it were practicable to issue checks to the hundreds of thousands of individuals who might come forward to make a claim, this level of refund is less than the $15.00 threshold which we have determined to be the administrative cost of issuing a refund check. *Id.* Accordingly, it is entirely possible that state governments could be a better vehicle for achieving restitution for ultimate consumers. Those entities will be permitted to file claims commensurate with the amount of Amoco motor gasoline sold in each state for the portion of the consent order funds which consumers will be presumed to have absorbed.

The amount of refunds for claimants in the three categories of purchasers-resellers, retailers, and consumers—will be determined by an equation in which the volume of purchases during the consent order period is multiplied by the fraction applicable to the position of the claimant in the distribution chain and by the fractional cents per gallon *pro rata* figure. In other words:

Dollar amount refund of = Claimant's purchase volumes multiplied by Claimant's applicable distribution level percentage times $.000953

We believe that this method of calculating probable levels of injury has many advantages. First, applicants and the OHA will be able to compute easily and inexpensively the amount or refunds which an applicant may receive. Secondly, each applicant would be able to furnish all of the required information from its own files, since it would no longer be necessary for an applicant to make complex evidentiary showings to estabalish that market conditions prevented it from passing through its costs and that it was therefore injured.

Since there are more than 23,000 Amoco retail service stations nationwide, we anticipate that a large number of Applications for Refund will be filed. In order to process those applications in a timely manner, Amoco purchasers who belong to a trade association are encouraged to apply for a refund through that association. For example, the Illinois Gasoline Dealers Association has expressed an interest in assisting its members in filing Applications for Refund. *See* Letter from M. Steven Krupnick, Legal Counsel, Illinois Gasoline Dealers Association to Diana L. Bixler, Office of Hearings and Appeals (December 7, 1981). If we adopt a requirement that Amoco dealers who are members of a trade association file Applications for Refund through their association, each member who was willing to claim under the presumptions would submit its application to the association. The application would specify the volumes purchased by the applicant, the nature of the applicant's business, the identity of the applicant's supplier, the refund claimed, and a statement that all information was true according to the applicant's best information. The association would assemble the necessary documentation to support the applications of its members and submit to the OHA for its approval a summary of the information which it has received and verified. If approved, refund checks containing each member's appropriate share of the refund would be issued to the individual members. In this manner, the DOE would be able to process the large number of anticipated individual claims efficiently and cost effectively. We invite public comment on this issue.

After all applications for refund for claims connected with motor gasoline transactions have been processed, there may be residual funds for second-stage distribution. We reserve judgment on the appropriate distribution of any remaining funds until we have the information which will be generated through the application procedure concerning what portion of each level of the distribution chain has received refunds.

B. Middle Distillates

Middle distillates include diesel fuel and Nos. 1 and 2 heating oil. They were subject to price and allocataion controls during the period March 3, 1973, through June 30, 1976. *See* 10 CFR 212.31 (definition of "covered products"). About 6,600 purchasers of Amoco middle distillates have already received refunds totalling $25 million, pursuant to § 404 of the Amoco consent order. Purchasers who received these refunds were end-users who purchased middle distillates by pipeline or in railroad tank car or tank truck quantities. In determining the share of the products pool to be allocated for middle distillate purchasers, we have subtracted the volumes purchased by parties who have already received refunds. This amounted to about 40 percent of the volume sold by Amoco over the 3½ years that middle distillates were subject to price and allocation controls.

The remaining 60 percent of the middle distillates sold by Amoco in smaller-sized deliveries were sold either directly to ultimate consumers through Amoco consignees or to independent resellers who then resold the fuel to untimate consumers. In the case of consignee sales, since most consignment agreements provide for a flat add-on to the product price, any increases in Amoco's product prices would have been absorbed by the ultimate consumer who purchased from a consignee. Consequently, consignees would not have been required to absorb any overcharges as a result of any unlawful price increases, and only the ultimate consumers of consignee-sold product would be able to demonstrate injury and to apply for a refund.

In the case of independent dealer sales, we considered whether we could conclude from available data, as we did for motor gasoline resellers, that the dealers generally absorbed a specified part of any Amoco overcharges during the consent order period and passed through the remainder. This would enable us to make an administratively efficient presumption as to the extent of injury experienced at each level of distribution. To that end, we reviewed national average hearing oil margin information collected and published by the agency during the period January 1974 through February 1976, Amoco's confidential price reports, and *Platt's Oil Price Handbook and Oilmanac* (52, and 53d eds., 1975 and 1977). We have attached a copy of the agency's published data as Appendix B. According to that chart, as product prices rose, dealers' margins remained relatively constant throughout the entire period. This material tends to support the conclusion that dealers in general raised their retail prices by the amount of their increased product costs during the period January 1974 through February 1976, *i.e.* that when a refiner increased its prices for heating oil to its dealers, its dealers generally passed through all of that increase to their customers.

This material, which is based on national average data, is useful for the purpose of determining the extent to which the dealers who sold Amoco heating oil were injured by the firm's pricing practices. In comparing Amoco's prices with the prices published in *Platt's Oil Price Handbook*, we found that Amoco's wholesale prices throughout the period were generally below the industry average. It therefore appears that even if Amoco's middle distillate prices were higher than lawful under the applicable regulations, those prices were still low enough so that Amoco resellers enjoyed a competitive advantage. Moreover, the Amoco confidential

price reports submitted to the EIA indicate that whenever Amoco raised its wholesale price, the firm always maintained the same price differential between its wholesale and retail prices. This indicates that the retail market for Amoco distillates permitted cost increases to be passed through in their entirety.

For these reasons, we have tentatively determined that we may presume that resellers of Amoco middle distillates generally were able to (and usually did) pass through Amoco's price increases entirely to consumers. Consequently, a reseller will not be able to establish injury unless he is able to demonstrate that (a) market conditions in his particular area during the relevant time period were such that he did not enjoy a competitive price advantage and (b) his profit margin or sales declined during the relevant period.

Since we presume that most resellers of Amoco middle distillates passed through Amoco's price increases to their customers, it follows that ultimate consumers must have absorbed any injury. We propose to distribute volumetric refunds to consumers who file applications for refund. However, we will probably adopt a minimum refund amount of $15.00 as we did in *Vickers* and subsequent Subpart V cases for reasons of cost-effectiveness and administrative efficiency. *See Uban,* 9 DOE at 85,225. Since an applicant will have to have purchased at least 15,700 gallons of product during the 3½ years in order to qualify for a $15 refund, an amount of fuel which is well beyond what an average home-owner (or motorist operating a diesel-powered vehicle) would have used, we believe that a substantial portion of the middle distillate pool will not be claimed by ultimate consumers in the first stage of the Amoco refund process. In order to accomplish the restitution which is a necessary part of the Subpart V process, we therefore propose that this remaining money should be distributed to states in which the products were sold, provided that each state submits a plan for using the money to benefit those persons who most likely were ultimate consumers of Amoco's middle distillate products. *See Gulf Oil Corp.,* No. RF5–1 (July 6, 1982) (proposed decision).

C. Natural Gas Liquids Claims

During the consent order period, Amoco sold over 10 billion gallons of natural gas liquids and propane. These products were used by Amoco itself and by unaffiliated purchasers in a variety of ways. For example, Amoco has 15 liquid petroleum gas storage terminals in Texas, Kansas, Louisiana, Arkansas, Mississippi, and Georgia. Products from those terminals were likely purchased by agricultural cooperatives and resellers who sold them to farmers for fuel to be used in crop production. In addition, a substantial portion of the natural gas liquids processed and sold by Amoco may have been used as petrolchemical feedstock, for processing in refinery units, or directly as an octane enhancer for motor gasoline. Finally, some of the propane and butane processed and sold by Amoco was likely consumed by individuals for cooking and space heating. consequently, in formulating refund procedures for this portion of the settlement fund we must bear in mind the diversity of potential claimants and the variety of uses to which the NGLs were put.

In our previous NGL cases we have adopted a two-stage refund procedure. *See Coline; Office of Enforcement,* 9 DOE ¶ 82,540 (1982); *Office of Enforcement,* 9 DOE ¶ 82,542 (1982); *Office of Enforcement,* 9 DOE ¶ 82,566 (1982); *Office of Enforcement,* 9 DOE ¶ 82,567 (1982). In the first stage, parties which purchased NGLs produced by the natural gas processor involved are permitted to file Applications for Refund for a portion of the settlement fund. In addition to satsifying the filing requirements of 10 CFR 205.283, the applicant is required to demonstrate that it purchased during the relevant time period a specific quantity of products which was produced with or from the NGLs sold by the consenting firm. In addition, unless the applicant was an ultimate consumer, a party claiming that it was injured also must demonstrate that it was injured by any cost increase resulting from the alleged overcharges. *See, e.g., Gulf Oil Corp.,* No. RF5–1 (July 6, 1982) (proposed decision). Downstream purchasers are also permitted to file Applications for Refund during the first stage. In addition, we will accept and evaluate on a case-by-case basis applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers. *See, e.g., Tenneco Oil Co./ Systems Fuels, Inc.,* 9 DOE ¶ 82,579 (1982) (non-profit subsidiary of four electric utilities given refund amounts to be disbursed to each utility).

As for the second stage, we have not yet adopted a final plan for the distribution of residual funds in any of the NGL cases which we have analyzed because we have not yet completed processing of all of the Applications for Refund which were filed. We have delayed our decision on this issue because we believe that the size of the fund remaining after the first stage distribution will substantially influence our decision as to the most efficient manner of distribution. In a recent determination concernimg a first purchaser's Application for Refund which was tentatively approved for 40 percent of the settlement fund, we suggested that state government might submit plans which would benefit unltimate users within their borders for distribution of the remaining 60 percent of the fund. *See Gulf Oil Corp.,* No RF5–1 (July 6, 1982) (proposed Decision). In our previous NGL cases we have proposed that first purchasers of the NGLs covered by the consent order might submit plans for distribution of the funds to ultimate purchasers. *see, e.g., Office of Enforcement,* No. BFE–0030 (May 1, 1981) (proposed decision). Alternatively, we have suggested that if the remainder of the fund was too small to be administered efficiently, we might simply order its deposit into the United States Treasury. *Id.*

We have concluded that the two-stage mechanism discussed above should be adopted in the present case. In particular, we hope that groups such as associations of propane dealers and agricultural cooperatives will come forward with applications for refund on behalf of their members who were consumers of these products. *See Tenneco Oil Co./Farmland Industries, Inc.,* 9 DOE ¶ ——, No. RF7–42 (July 21, 1982). We have noted in a previous case that the agreements that govern the prices which a cooperative may charge its members make it likely that any refunds which the entity receives would automatically be passed through to its customers. *See Office of Special Counsel,* 9 DOE § 82,538 (1982). Consequently, we propose to exempt from having to offer proof of injury cooperatives or regulated firms who file applications for refund which include a full explanation of the manner in which refunds will be passed through to their customers. *Id.,* at 85,203. Interested parties who plan to comment on the proposed NGL claim procedures may wish to inspect Applications for Refund which have been filed in our previous NGL-related special refund cases. They are available for public inspection in our public docket room. (*12*)

D. Residual Fuel Oils and Related Products

During the relevant period, Amoco produced and sold approximately 5.5 billion gallons of residual fuel oil, lubricating oils, and industrial greases. These sales took place before the products were exempted from the price and allocation regulations on April 1, 1976. *See* 41 FR 13896 (1976). Typical purchasers of such products would be end-users who used residual fuel oil for generating electricity or as industrial boiler fuel. Claimants for this portion of the settlement fund will likely be large firms with sophisticated record-keeping systems who should be able to demonstrate that they or their customers were injured by the alleged overcharges. We therefore propose to adopt a two-stage refund procedure similar to the procedure adopted in this proposed decision for claims based upon purchases of or rights to purchase NGLS. In th first state we will accept applications for refund from firms who purchased or had a right to purchase residual fuel oil, lubricating oil, or industrial greases that were produced by Amoco. Downstream purchasers will be entitled to apply; however, an applicant must submit information explaining its purchases are attributable to Amoco products. Absent special circumstances, an applicant will be required to demonstrate that it was forced to absorb any alleged injury rather than passing on the effects of the alleged overcharges to its customers. Among the circumstances which would exempt an applicant from demonstrating injury would be a showing that the applicant was and its presently a regulated utility which would be required to pass on any refunds to its customers in the form of reduced charges. Successful applicants would be paid on a volumetric basis.

As for the second stage of the refund process, we do not yet have sufficient information concerning the uses to which these products were put and the number and type of potentially affected parties involved for us to propose a plan for the distribution of any funds remaining after the first stage. Since we believe that most of the first purchasers were also the ultimate consumers

of these products, first purchaser plans such as those suggested for NGL purchasers are not likely to be feasible. We solicit comments from interested parties as to possible methods for disbursing any remaining funds in such a manner as to benefit persons who were likely affected by Amoco's regulatory practices in its marketing and sales of residual fuel oil, lubricating oils and industrial grease.

E. Aviation Gasoline/Jet Fuel Claims

As noted earlier, aviation gasoline and jet fuel accounted for 4.14 percent of Amoco's total sales of covered refined products during the six years of the consent order period that these products were subject to price and allocation controls. Consequently, we have apportioned that percentage of the consent order funds set aside to pay refined products claims, or $2,298,624, for claims based upon purchases of these products. Typical purchasers of these products included commercial airlines and fixed base operators. We propose a two-stage refund procedure. In the first stage we will accept applications for refund from firms who purchased or had a right to purchase aviation gasoline or jet fuel that was produced by Amoco during the period those products were subject to controls, *viz.* March 3, 1973, through February 28, 1979. A downstream purchaser will be permitted to submit a refund application, but it must submit information attributing its purchases to Amco-produced products. Absent special circumstances, an applicant will be required to demonstrate that it was injured by Amoco's pricing practices because it was forced to absorb price increases and could not simply pass through those increased costs to its customers. An applicant would not have to make this showing if it demonstrates that it is presently a regulated firm which is required to pass on any refunds to its customers in the form of reduced prices.

We anticipate that commercial airlines will file claims for the entire $2,298,624 refund pool. These airlines are generally members of the Air Transport Association of America (ATA), and we encourage the participation of ATA in this proceeding, including the filing of a class refund application. At this point in the proceeding, we have obtained information submitted by ATA to the House Energy, Conservation and Power Subcommittee and to the Office of Special Counsel which indicates that commercial airlines absorbed nearly $700 million in fuel cost increases during the 1973 through 1979 period. October 14, 1980 Submission by the Air Transport Association of America to House of Representatives Subcommittee on Energy, Conservation and Power. In addition, in comparing Amoco's retail prices for kerosene jet fuel with the national average prices as reported by the EIA in its *Monthly Energy Review*, we found that Amoco's prices were generally higher than the national average. One might conclude from this submission that the airlines should receive 100 percent of these refund moneys. However, that submission also indicates that the airlines passed through over $1.7 billion in increased fuel costs during that period to purchasers of airline tickets. This information is set forth in greater detail in Appendix C to this Proposed Decision. One possible interpretation of this data is that since the airlines were able to pass through fuel costs (*i.e.* had a "fuel expense recovery excess") in 6 of 24 calendar quarters of the period, they should not be permitted to claim 6/24 or 25 percent of this product pool. However, as we explain more fully in Appendix C, and other possible interpretation of this information is that airlines absorbed only 28 percent of total increased fuel costs during the 1973 through 1979 period, and airline passengers absorbed 72 percent of increased fuel costs. We invite the comments of ATA and other parties as to the validity of this information, the proper conclusions that should be reached from this material, and the appropriate burden of proof for successful claimants.

Any funds remaining after successful claimants have been paid should be distributed in a second-stage refund process in furtherance of the restitutionary goals set forth in the DOE's enabling legislation and implementing regulations. *See Citronelle-Mobile Gathering, Inc. v. Edwards*, 669 F.2d 717 (Temp. Emer. Ct. App. 1982); *Bulzan v. Atlantic Richfield Co.*, 620 F.2d 278 (Temp. Emer. Ct. App. 1980). A second-stage distribution of funds attributable to aviation gasoline or jet fuel, however, involves a number of uncertainties. As we noted above, we anticipate that commercial airlines will file claims for the entire available fund. Other parties may also file refund applications, and claims therefore will almost certainly exceed the amount available for distribution. On the other hand, we may ultimately conclude from data compiled by the ATA that purchasers of airline tickets absorbed as much as 72 percent of the total increased fuel costs during the 1973 through 1979 period. Since refunding money to injured parties is the primary concern of Subpart V proceedings, we believe that remaining funds, if any, should be distributed to groups of ultimate consumers who were likely to have borne a portion of the higher prices charged by Amoco. In view of the relatively small sums of money likely to be involved in claims by purchasers of airline tickets, and the improbability that members of this class will possess records sufficient to establish claims, we anticipate the ultimate consumers who were actually injured by the alleged overcharges will not be able to prove during the first stage of the refund process that they are entitled to refunds. *See Office of Enforcement*, 9 DOE ¶ 82,551 (1982) (hereinafter cited as *OKC Corp.*); *Vickers*. The fact that claims to specific refunds may not be proved, however, does not mean that injuries to ultimate consumers have not occurred. Rather, the absence of claims would tend to reflect the difficulty such parties encounter in establishing valid claims for a portion of the consent order funds.

In previous Subpart V proceedings where ultimate consumers bore a portion of the injury resulting from the consenting firm's pricing practices, we have fashioned refund mechanisms which insure that the benefits associated with the second-stage distribution will be received by the class of ultimate consumers who were injured. For example, in *Alkek* and *Adams* we found that the injuries associated with the alleged violations of the DOE regulatory program affected all consumers of petroleum products nationwide, and we stated that a second-stage distribution, if appropriate, would be made to the state governments for use in energy-related programs or to the United States Treasury. In cases involving alleged regulatory violations in sales of natural gas liquids, we have stated that a second-stage distribution would be made to the downstream customers of an initial purchaser. This distribution could take the form of a distribution to individual customers or to agricultural cooperatives, for example, on the agreement that the refunds would be flowed through to their members. *See, e.g., Tenneco Oil Co./Farmland Industries, Inc.*, slip op. at 3–4.

In the present case, the second-stage distribution should be made in a manner that ensures that the benefits will inure to purchasers of airline tickets and to general aviation. For example, the funds could be distributed to the National Association of State Aviation Officials for distribution to its members. The members of that association manage and operate 488 airports throughout the country, provide money for construction and maintenance of other publicly-owned airports, operate electronic navigation aids at 276 airports, and provide other services in support of flight safety. However, as noted above, we will not be in a position to decide what should be done with any remaining funds until after the first-stage refund procedure is completed. Only then will we know the amount of money, if any, available for the second stage of the refund process. We invite comments on the appropriate disposition of these funds in the event a second-stage distribution is appropriate.

IV. Allocation Claims

The preceding discussion of proposed application procedures primarily focused on firms claiming injury due to Amoco's alleged violations of the DOE price regulations. As we have previously noted, eligible claimants will also include firms claiming that they were injured by Amoco's alleged allocation violations. However, as in the *Tenneco* case, we have concluded that we should exclude from eligibility any allocation claimant which had not contemporaneously complained of Amoco's alleged allocation violation. As we noted in *Tenneco:*

Any firm that was injured by an alleged allocation violation would have experienced some direct effect and have been more immediately aware of its injury than a firm whose purported injury was due to overcharges whose effect could be marginal. We would expect that party who was injured by a disruption to its supply of an allocated product would immediately seek redress by either filing a complaint with or otherwise notifying the appropriate agency officials, see 10 CFR 205.201(d), or by filing a private lawsuit under § 210 of the Economic Stabilization Act. Thus, while imposing a cut-off of claims would prevent spurious claims and promote speed and efficiency in processing applications for refund, it would present no danger that injured parties will be prevented from seeking refunds. Accordingly,

we shall presume that a party who had not formally complained of alleged allocation violations by *Tenneco* prior to the data of the consent order does not have a meritorious claim. See 10 CFR 205.282(e).

Tenneco at 85,202. In addition, an allocation claimant must submit sufficient information to demonstrate that its claim is not spurious, including the best available evidence of the injury which was sustained by the claimant. The burden of establishing eligibility for a refund shall rest on the claimant. *Tenneco* at 85,206–07. *See also Tenneco Oil Co./Kern Oil & Refining Co.*, 10 DOE ¶ ——, No. RF57–59 (August 3, 1982). Claimants will be paid from the respective product pools which we have established. However, since an allocation applicant's claim is based upon injury resulting from its inability to purchase product rather than the injury resulting from its purchase of unlawfully priced product, a volumetric measure of injury will not be used in determining the amount of refund to be distributed to a successful allocation claimant. Instead, we shall determine the refund amount on the basis of equitable factors such as the availability of substitute product, the proportion of the claimant's supply which the withheld crude oil or petroleum product represented, and the impact on the claimant's business. *Tenneco* at 85,206.

V. Conclusion

In summary, we have proposed to divide the Amoco settlement fund into six portions. First of all, we tentatively decided to apportion the fund into a crude oil pool and a refined products pool based upon the proportion of Amoco's revenues during the consent order period represented by those two classes of sales. We further divided the refined products pool into five specific product group portions. The share of the refined products pool which each specific product group was apportioned was based upon the proportion of Amoco's sales volume which the product represented. We held generally that we would adopt a two-stage refund procedure for each of the six pools. In the first stage, persons wishing to file an Application for Refund for a share of the fund would be permitted to do so. We proposed various procedures for first-stage claimants according to which pool they were claiming from. We noted that the potentially enormous number of claims that could reasonably be expected in the categories of motor gasoline and middle distillates called for the adoption of presumptions that would facilitate the cost-efficient processing of applications, and we set forth for comment tentative presumptions along with our basis for making them. Finally, inasmuch as the amounts of money remaining after the successful first stage applicants have been paid is uncertain, we set forth a number of alternative proposals for each pool for distribution of the funds to persons who were likely affected by Amoco's regulatory practices.

We shall publish this proposal in the Federal Register and seek public comments to be filed within 30 days of that publication. In addition, we plan to hold public hearings at various locations in Amoco's marketing area. The present determination is based upon the best data currently available to this Office and we explicitly invite parties to submit additional information that may aid us in arriving at an efficient, equitable plan for distribution of these moneys.

It Is Therefore Ordered That:

The $72,000,408 refund amount supplied by Standard Oil Company (Indiana), will be distributed in accordance with the foregoing Decision.

Footnotes

[1] The transactions excluded from coverage by the consent order involve crude oil producing properties whose classification as a stripper well property by Amoco has been challenged by the DOE because the agency maintains that injection wells may not be counted as "wells." *See generally* Garrett Production Co., 8 DOE ¶ 83,034 (1981), for a description of this long-disputed question. On July 29, 1982, the Temporary Emergency Court of Appeals ruled in favor of the DOE on the injection well issue. Energy Reserves Group, Inc. v. DOE, No. 10–39 (Temp. Emer. Ct. App., July 29, 1982).

[2] The Army and Air Force Exchange Services (AAFES) has indicated that it intends to file a claim for $10 million.

[3] All of the data, except for information which is confidential, proprietary information pertaining to Amoco, has been assembled in a file available for inspection in the OHA Public Docket Room, Room 1111, 1200 Pennsylvania Avenue, N.W., Washington, D.C. The Public Docket Room is open from 1:00 to 5:00 p.m. on business days.

[4] By the phrase persons "who were denied a right to purchase" we mean firms who actually sought to purchase from Amoco crude oil or refined products to which they were entitled under the DOE allocation regulations. *See, e.g.*, Tenneco Oil Co./Kern Oil & Refining Co., 10 DOE ¶ ——, No. RF7–59 (August 3, 1982).

[5] The Entitlements Program, 10 CFR 211.67, was part of the comprehensive program administered by the DOE for the mandatory pricing and allocation of crude oil, residual fuel oil and refined petroleum products. The Entitlements Program was designed to alleviate certain disruptions and inequities in the United States petroleum industry originally attributable to the Arab oil embargo of 1973. During the latter half of 1973 significantly less foreign crude was available for domestic consumption than before and foreign crude oil prices quadrupled. In an effort to minimize the inflationary effect of foreign oil prices on the United States economy and encourage domestic production, the Federal Energy Office promulgated a regulatory program which provided for the control of prices for most crude oil produced in the United States. See 10 CFR 212.73 and 39 FR 1923 (1974). This program was embodied in the Mandatory Petroleum Price Regulations.

The price regulations set a ceiling price on "old" or "lower-tier" crude oil, *i.e.* domestic crude oil produced from a particular property where that production was equal to or less than the level of production from that property in the same month in 1972. In order to encourage increased domestic production, the regulations permitted "new" or "upper-tier" crude oil, that is, crude oil produced in excess of the 1972 level, to be sold at the free market price. Certain additional production, *inter alia*, newly discovered crude oil and production from stripper well properties, was also exempt from the price controls.

The price disparity between foreign crude and uncontrolled domestic crude oil, and controlled old oil had an unequal effect on refiners because some refiners had greater access to the cheap old oil than others. Firms which had little or no access to price-controlled old oil were forced to purchase uncontrolled domestic or similarly expensive foreign crude oil. As a result, many small, independent firms, with little or no access to price-controlled domestic reserves, suffered crude oil acquisition costs so high relative to the industry as a whole that those costs threatened to put them out of business.

To remedy these imbalances, the DOE established the entitlements program. 39 FR 31650 (1974); 39 FR 39740 (1974). Under the entitlements program, refiners with proportionally greater access to cheap old oil made cash payments, in the form of the purchase of entitlements, to refiners with less access to price-controlled oil. The program was designed to restore the competitive viability of the refining industry by generally equalizing among all domestic refiners the benefit associated with access to the lower-priced domestic crude oil.

[6] This amounted to less than one percent of Amoco's production for this period.

[7] Certain large end-users of middle distillates who took delivery from Amoco by pipeline or railroad tank car have already received substantial refunds. Their purchase volumes were therefore excluded from all calculations.

[8] The EIA did not collect this information prior to July 1975.

[9] We have not included these numbers in this Decision since the data which is specific to Amoco is proprietary and confidential.

[10] For example, in analyzing applications for refund filed by firms claiming that they purchased in excess of 600,000 gallons annually of Vickers motor gasoline, we have requested the following information: total number of gallons purchased per month for the entire consent order period, prices Vickers charged the firm for motor gasoline during August 1973, prices charged by the applicant during the entire consent order period (shown separately for reseller and retailer portions of the firm's business), amount of gasoline sold each month at the prices firms listed above, monthly amounts of gasoline purchased from other suppliers, prices charged the applicant by other suppliers in those sales, and prices charged by the applicant in its wholesale and/or retail sales of those volumes. *See* April 29, 1982 Mailgram from Thomas O. Mann, Deputy Director, OHA, to William C. Pitcher, Esq., Counsel for Koch Industries, Inc., Case No. RF1–132.

[11] According to information published by the EIA, the total average fuel consumed per car during the consent order period was 4,845 gallons. Monthly Energy Review, April 1982, at 17. Multiplying that number by the value of

the per gallon refund, $.000953 and by the applicable distribution level percentage, 21 percent, yields $0.96.

[12] Each NGL producer case is assigned an RF number and applications for refund from firms who purchased NGLs from that producer are numbered consecutively in the order in which we received them. For example, the first application which was filed in the Coline case by Petrolane, Inc. was given case number RF2–1. The docket designations for applications for refund filed in each of the NGL cases are listed below:

Case name	Case No.
Coline Gasoline Corp	RF2
National Helium Corp	RF3
Aluminum Co. of America	RF4
Palo Pinto Oil & Gas	RF5
Belridge Oil Co	RF8
Lewtex Oil & Gas Co	RF9
Olin Corp	RF11
Anadarko Production Co	RF12
Anderson Butane Co	RF14
Panhandle Eastern Pipeline Co	RF15
Upham Oil & Gas Co	RF16

[FR Doc. 82-22076 Filed 8-12-82; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of July 9 Through July 16, 1982

During the week of July 9 through July 16, 1982, the appeals and applications listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Thomas L. Wieker,

Acting Director, Office of Hearings and Appeals.

August 6, 1982.

List of Cases Received by the Office of Hearings and Appeals

[Week of July 9 through July 16, 1982]

Date	Name and location of applicant	Case No.	Type of submission
July 9, 1982	Atlantic Richfield Company, Washington, D.C	HRZ-0071	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to release to the Petitioner documents identified in the Office of Special Counsel's privilege index of June 14, 1982.
July 9, 1982	Gulf Oil Corporation, Washington, D.C.	HRZ-0072	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to release to the Petitioner documents identified in the Office of Special Counsel's privilege index of June 14, 1982.
July 9, 1982	Louisiana Land & Exploration Company, Washington, D.C.	HRZ-0076	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to release to the Petitioner documents identified in the Office of Special Counsel's privilege index of June 14, 1982.
July 9, 1982	Marathon Oil Company, Washington, D.C	HRZ-0073	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to release to the Petitioner documents identified in the Office of Special Counsel's privilege index of June 14, 1982.
July 9, 1982	Standard Oil Company (Ohio), Washington, D.C	HRZ-0074	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to release to the Petitioner documents identified in the Office of Special Counsel's privilege index of June 14, 1982.
July 9, 1982	Texaco, Incorporated, Washington, D.C	HRZ-0075	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to release to the Petitioner documents identified in the Office of Special Counsel's privilege index of June 14, 1982.
July 12, 1982	Enver Masud, Arlington, Virginia	HFA-0070	Appeal of an Information Request Denial. If granted: Enver Masud would receive access to certain DOE information.
July 15, 1982	Petroleum Operations & Support Services, New Orleans, Louisiana.	HFA-0071	Appeal of an Information Request Denial. If granted: The June 24, 1982 Information Request Denial issued by the Inspector General would be rescinded, and Petroleum Operations & Support Services would receive access to certain DOE information.
July 15, 1982	State of Michigan, Lansing, Michigan	HRX-0035	Supplemental Order. If granted: The State of Michigan would be permitted to participate in settlement negotiations concerning the January 14, 1982, Proposed Remedial Order issued to the Standard Oil Company of Ohio.
July 15, 1982	Thos. P. Reidy, Washington, D.C.	HRD-0068, HRH-0062	Motions for Discovery and Evidentiary Hearing. If granted: An Evidentiary Hearing would be convened and discovery would be granted to Thos. P. Reidy in connection with the firm's Statement of Objections submitted in response to the July 2, 1982, Proposed Remedial Order issued to the firm.

Refund Applications Received

[Week of July 9 through July 16, 1982]

Date	Name of refund proceeding/ name of refund applicant	Case No.
July 15, 1982	Alkek Adams/Ashland Oil, Inc.	RF6-27.
Do	Alkek Adams/USA Petroleum Corp.	RF6-28.
Do	Adams/Wyoming Refining Company.	RF6-29.
Do	Adams/International Petroleum Refining & Supply SDAD LTDA.	RF6-30.
Do	Alkek Adams/American Petrofina Inc.	RF6-31.
Do	Adams/CPI Oil & Refining Company.	RF6-32.
Do	Adams/Scallop Petroleum Company.	RF6-34.
Do	Adams/Westland Development Corp.	RF6-35.
Do	Adams/Defense Logistics Agency.	RF6-36.
Do	Adams/City of Los Angeles	RF6-37.

Refund Applications Received—Continued

[Week of July 9 through July 16, 1982]

Date	Name of refund proceeding/ name of refund applicant	Case No.
Do	Alkek Adams/Sun Company Inc.,	RF6-38.
Do	Alkek Adams/Vulcan Asphalt Refining.	RF6-39.
Do	Alkek Adams/United Refining Company.	RF6-40.
Do	Alkek Adams/Tosco Corporation.	RF6-42.
Do	Alkek Adams/Pride Refining Company.	RF6-41.
Do	Alkek/Champlin Petroleum Company.	RF6-43.
July 16, 1982	Alkek Adams/Clark Oil & Refining Company.	RF6-44.
July 15, 1982	Adams/Independent Refining Corp./Erickson Ref. Co.	RF6-33.

[FR Doc. 82-22178 Filed 8-12-82; 8:45 am]

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Cases Filed; Week of July 16 Through July 23, 1982

During the week of July 16 through July 23, 1982, the appeals and applications listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 C.F.R. Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of

the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Thomas L. Wieker,
Acting Director, Office of Hearings and Appeals.
August 6, 1982.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of July 16 through July 23, 1982]

Date	Name and location of applicant	Case No.	Type of submission
July 16, 1982	+Crown Central Petroleum Company, Washington, D.C.	HRZ-0077	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to furnish Crown Central Petroleum Corporation with additional discovery pursuant to the March 31, 1982, Decision and Order (Case No. BRD-0108) issued to the firm by the Office of Hearings and Appeals.
July 16, 1982	Brown & Roady, Washington, D.C.	HFA-0072	Appeal of an Information Request Denial. If granted: The June 24, 1982, Information Request Denial issued by the DOE Office of Fossil Energy would be rescinded, and Brown & Roady would receive access to certain DOE information.
July 16, 1982	McCulloch Gas Processing Corporation, Casper, Wyoming	HCX-0036	Supplemental Order. If granted: The November 22, 1978 Decision and Order (Case No. DEE-0931) issued to McCulloch Gas Processing Corporation by the Office of Hearings and Appeals would be modified in connection with the April 10, 1980, Decision issued by the United States District Court for the District of Wyoming.
July 16, 1982	Exxon Company, U.S.A./Little America Refining Company, Washington, D.C.	HEJ-0021	Motion for Protective Order. If granted: Exxon Company, U.S.A. would enter into a Protective Order with Little America Refining Company regarding the release of proprietary information to Exxon Company, U.S.A. in connection with Little America Refining Company's year end review cases (Case Nos. HYX-0014 and HYX-0006).
July 16, 1982	Duncan, Allen, & Mitchell, Washington, D.C.	HFA-0073	Appeal of an Information Request Denial. If granted: The July 13, 1982, Information Request Denial issued by the DOE Executive Secretary would be rescinded, and Duncan, Allen, & Mitchell would receive access to a letter from David A. Stockman to the Secretary of Energy and all correspondence and memoranda surrounding that letter.

REFUND APPLICATIONS RECEIVED

[Week of July 16 through July 23, 1982]

Date	Name of refund proceeding/ name of refund applicant	Case No.
July 19, 1982	Alkek Adams/Kerr-McGee Corporation.	RF6-45.
DO	Alkek Adams/Marathon Petroleum Company.	RF6-46.
DO	Alkek Adams/Howell Corporation.	RF6-47.
DO	Alkek Adams/Tenneco Oil Company.	RF6-48.
DO	Alkek Adams/Eastern Seaboard Petroleum, Inc.	RF6-49.
DO	Alkek Adams/Dorchester Gas Corporation.	RF6-50.
DO	Alkek Adams/Gulf States Oil & Refining Co.	RF6-51.
DO	Alkek Adams/Commonwealth Oil Refining Co., Inc.	RF6-52.
DO	Alkek Adams/South Louisiana Production Co.	RF6-53.
DO	Alkek Adams/Phillips Petroleum Company.	RF6-54.
DO	Alkek Adams/Texas American Petrochemicals, Inc.	RF6-55.
July 20, 1982	Alkek Adams/Plateau, Inc.	RF6-56.
DO	Alkek Adams/Union Oil Company of California.	RF6-57.
DO	Alkek Adams/Gulf Oil Corporation.	RF6-58.
DO	Alkek Adams/South Hampton Refining.	RF6-59.
DO	Alkek Adams/Midland Cooperatives, Inc.	RF6-60.
July 21, 1982	Pennzoil/Peoples Cartage, Inc.	RF10-55.
DO	Alkek Adams/Cities Services Company.	RF6-61.

[FR Doc. 82-22179 Filed 8-12-82; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Period of July 12 through July 23, 1982

During the period of July 12 through July 23, 1982, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Thomas L. Wieker,
Acting Director, Office of Hearings and Appeals.
August 6, 1982.

Lunday-Thagard Oil Company, South Gate California, DEX-0113, Crude Oil

In accordance with Decision and Orders issued to the Lunday-Thagard Oil Company which granted the firm exception relief from the provisions of 10 CFR 211.67, the firm submitted actual financial data for its 1978 fiscal year. On July 23, 1982, after reviewing the level of exception relief granted to Lunday-Thagard, the DOE issued a Proposed Decision and Order which determined that no adjustment should be made to the level of exception relief previously granted.

C. R. Mullis Oil & Heating Co., Inc., Charlotte, North Carolina, BEE-1641, Reporting Requirements

C. R. Mullis filed an Application for Exception from the reporting requirements of Form EIA-9A, "No. 2 Distillate Price Monitoring Report." Mullis requested that it be relieved of the obligation to prepare and submit the form with the DOE Energy Information Administration. On July 23, 1982, the DOE issued a Proposed Decision and Order which found that exception relief was necessary to prevent the firm from

experiencing a serious hardship and an inordinate burden.

[FR Doc. 82-22181 Filed 8-12-82; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of July 26 Through July 30, 1982

During the week of July 26, through July 30, 1982, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Alcot, Inc., 7/26/82, HFA-0062

Alcot, Inc., filed an Appeal from a denial by the Acting Director of the Office of Nuclear Energy's Plans and Analysis Division of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the portion of the Appeal which pertained to material that the Director of the Office of Classification had originally found to be classified, the DOE found that certain of the documents which were initially withheld under exemptions one and three should be released to the public. An issue that was considered in the Decision and Order was the effect of a decision by the Director of the Office of Policy Planning and Coordination that material has been properly classified.

Enver Masud, 7/27/82, HFA-0067

Enver Masud filed an Appeal from a response by the Inspector General to a Request for Information which Masud had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that all of the responsive documents had been released to Masud. Accordingly, the Appeal was denied.

Requests for Exception

Premier Oil Company, 7/29/82, HEE-0016

Premier Oil Company filed an Application for Exception in which the firm sought to be relieved of the obligation to file Form EIA-9A, No. 2 Distillate Price Monitoring Report. Premier's major argument in support of its request was that since it had participated in the EIA Survey Program for a year, it should be relieved of the obligation to file Form EIA-9A. In addition, Premier argued that decontrol eliminated the purpose of requiring firms to file Form EIA-9A. In considering the request, the DOE found that Premier's arguments were without merit. Accordingly, exception relief was denied.

Urbana Community School District, 7,29/82, HEE-0009

Urbana Community School District filed an Application for Exception from the grant provisions of Part 455, the DOE Institutional Building Grant Program. In its Application, Urbana sought funding for an Energy Conservation Measure it implemented prior to conducting a program of Technical Assistance at its facility. Urbana also sought funding for expenditures that were accidentally removed from its grant application prior to its receipt by the DOE. In considering the request, the DOE found that the firm had failed to establish a basis for exception relief with respect to the Energy Conservation Measure which was implemented prior to a Technical Assistance program, but that exception relief was necessary with respect to the expenditures which were removed from Urbana's application. Accordingly, exception relief was granted in part. The important issues considered in the Decision and Order were the necessity of a proper program of Technical Assistance prior to implementation of an Energy Conservation Measure, and the reasonableness of a school district relying on a State Energy Office to prepare a correct grant application.

Interlocutory Order

Texaco, Inc./Office of Special Counsel, 7/30/82, HRZ-0078

In *Texaco, Inc.*, 9 DOE ¶ , No. HRZ-0069 (July 9, 1982) the DOE had ruled on portions of a motion for discovery filed by Texaco, Inc. Both Texaco, Inc. and the Economic Regulatory Administration's Office of Special Counsel filed motions in which they sought modifications of portions of that order. The DOE granted those motions in part.

Supplemental Orders

Ashland Oil, Inc., 7/29/82, HEX-0037

In *Ashland Oil, Inc.*, 9 DOE ¶ ——, No. BEE-0373 (July 19, 1982), the DOE had ordered Ashland Oil, Inc. to pay monetary restitution in the amount of $5,748,131.95 by July 29, 1982 to seven major oil companies assigned by the DOE to supply Ashland with crude oil during February 1980. This Decision extends that time for restitutionary payments until August 18, 1982 on the condition that Ashland pay interest at the prime rate on the amounts owed from July 30, 1982 through the date the payments are made.

McCullouch Gas Processing Corp., 7/30/82, BCX-0183

On April 10, 1980, the Wyoming district court remanded for reconsideration by the Office of Hearings and Appeals a Decision and order issued to McCulloch Gas Processing Corp. on October 4, 1976. That decision granted MGPC exception relief permitting it to increase its maximum lawful selling prices of NGLs to reflect increases in its non-product costs other than its depreciation costs, at eight gas plants. Upon remand, MGPC argued that it should be permitted to pass through its increased depreciation costs. The DOE found the MGPC should not be permitted to pass through the increase in depreciation per unit of production that results when the firm's constant level of straight-line depreciation is divided by decreasing levels of production. The DOE found that the apparent increase in per-unit depreciation does not reflect an actual increased cost, but is a result of MGPC's straight-line accounting method. However, the DOE found that it would be appropriate to grant MGPC exception relief permitting it to increase its prices to reflect actual increases in its depreciation costs, calculated on a units-of-production basis, that result from new investments since the base period. Exception relief was granted for MGPC's Belle Fourche plant on this basis but was denied for the remaining seven gas plants since the firm had failed to demonstrate that those plants had increased depreciation costs. MGPC had also argued that early FEA regulations had placed it at a competitive disadvantage in competing for new natural gas supplies because they did not permit MGPC to charge prices as high as those of its competitors, and consequently, MGPC argued that it could pay competitive royalties. The DOE found that this argument, if substantiated, would have formed a basis for exception relief. However, MGPC failed to establish that its difficulties in obtaining new natural gas supplies were the result of DOE regulations.

New York State Energy Office, State of Michigan, 7/26/82, HRX-0034, HRX-0035

The New York State Energy Office (New York) and the State of Michigan (Michigan) filed requests in connection with a Proposed Remedial Order issued to the Standard Oil Company (Sohio) on January 15, 1982. New York and Michigan sought an order directing that they be allowed to participate in ongoing settlement negotiations concerning the Sohio PRO. In considering their requests, the DOE found that decisions regarding participation in the negotiations fall within the discretionary enforcement power of the Economic Regulatory Administration's Office of Special Counsel and are generally not subject to review. Consequently, the DOE found that the Office of Hearings and Appeals lacked the authority to grant the relief sought by the petitioners. Accordingly, the States' requests were denied.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Name and Case No.

Exxon Co., U.S.A., HEJ-0021
Little America Refining Company

DISMISSALS

The following submissions were dismissed without prejudice:

Name and Case No.

Enver Masud, HFA-0070
Saber Refining Co., HRO-0004
Frederick Walentynowicz, BRO-1462

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th & Penn. Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of

1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Thomas Wieker,

Deputy Director, Office of Hearings and Appeals.

August 6, 1982.

[FR Doc. 82-22182 Filed 8-12-82; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Order Filed; Week of July 19 Through July 23, 1982

During the week of July 19 through July 23, 1982, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Thomas L. Wieker,

Acting Director, Office of Hearings and Appeals.

August 6, 1982.

Vanderbilt Energy Corp., Denver, Colorado, HRO-0080, Crude Oil

On July 21, 1982, Vanderbilt Energy Corp. of Denver, Colorado, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on June 28, 1982. In the PRO the Southwest District found that during August 1, 1976 to January 1, 1981, Vanderbilt sold crude oil in excess of the prices allowed by 10 CFR Part 212, Subpart D. According to the PRO the Vanderbilt violation resulted in $509,404.05 of overcharges.

[FR Doc. 82-22180 Filed 8-12-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-2-FRL 2186-4]

Prevention of Significant Deterioration of Air Quality (PSD) Final Determinations

AGENCY: Environmental Protection Agency.

ACTION: Notice of final actions.

SUMMARY: The purpose of this notice is to announce that between April 1, 1982 and June 30, 1982, the U.S. Environmental Protection Agency, Region II, issued ten final determinations relative to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21 (45 FR 52676). A listing of these final determinations includes nine applicability determinations and one final permit decision. These PSD determinations are final actions under the Clean Air Act.

DATES: The effective dates for the above PSD determinations are delineated in the following chart. (See "Supplementary Information")

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Office of Policy and Management, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264-4711.

SUPPLEMENTARY INFORMATION: Pursuant to the PSD regulations, the EPA has made final determinations relative to the sources listed below:

Name of applicant	Tye of source	Approximate location	Type of final action	Date of final action
Airco Carbon	Modification of its graphite-electrode manufcturing plant	Niagara Falls, NY	Final PSD permit	4/28/82
Central Hudson Gas & Electric Corp.	Coal conversion of Units 3 and 4 at the Danskammer Plant	Roseton, NY	PSD nonapplicability	4/28/82
Airco Caribe	New anethetics manufacturing plant	Guayama, PR	PSD nonapplicability	4/26/82
Rochester Gas & Electric Corp	Coal conversion of Boilers 7 and 8 at its BeeBee Station	Rochester, NY	PSD nonapplicability	4/28/82
Whippany Paper Board Co., Inc.	Resumption of the Eden Mill with the boilers firing coal	Hanover Township, NJ	PSD nonapplicability	5/10/82
International Business Machines Corp.	Addition of two mobile emergency generators and three internal combustion emergency generators.	Owego, NY	PSD applicability	5/12/82
Ciba-Geigy Corp	Modifications of the Number 34 Tray Dryer	Glens Falls, NY	PSD nonapplicability	5/12/82
Griffiss Air Force Base	Addition of a new coal-fired central heating plant at its AFB	Rome, NY	PSD applicability	5/12/82
Bergen County Utilities Authority	Addition of a new sewage sludge incinerator	Little Ferry, NJ	PSD nonapplicability	5/18/82
Proctor and Gamble Company	Addition of a new stack for the proposed wood-fired boiler	Staten Island, NY	PSD nonapplicability	5/26/82

This notice contains only a list of the sources which have received PSD determinations. Copies of these determinations and related materials are available for public inspection at: Environmental Protection Agency, Region II Office, Permits Administration Branch, Office of Policy and Management, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264-4711.

Under Section 307(b)(1) of the Clean Air Act (the Act), judicial review of these determinations is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before October 12, 1982. Under Section 307(b)(2) of the Act, these determinations shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

Jacqueline E. Schafer,

Regional Administrator.

[FR Doc. 82-22081 Filed 8-12-82; 8:45 am]

BILLING CODE 6560-50-M

[A-2-FRL 2186-5]

Prevention of Significant Deterioration of Air Quality (PSD); Final Determination

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that on September 29, 1981, the U.S. Environmental Protection Agency, Region II, issued a final permit to the Cogeneration Development

Corporation for the Trenton District Energy Company Integrated Community Energy System. The final action was issued pursuant to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21 (45 FR 52676).

DATES: The effective date for the above PSD determination is September 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Office of Policy and Management, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711. This notice contains a copy of the PSD final determination. Copies of this determination and related materials are available for public inspection at the above office.

Under Section 307(b)(1) of the Clean Air Act (the Act), judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit October 12, 1982. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

Jacqueline E. Schafer,

Regional Administrator.

September 29, 1981.

Mr. Tim Sekulic,

Fred C. Hart Associates, Inc., 530 Fifth Avenue, New York, New York

Dear Mr. Sekulic: On May 28, 1981, the United States Environmental Protection Agency (EPA), Region II Office, advised you that the application submitted by the Cogeneration Development Corporation (CDC) for a Prevention of Significant Deterioration of Air Quality (PSD) permit to construct a new diesel cogeneration facility in Trenton, New Jersey was approvable subject to public comment. A notice requesting public comments and soliciting comments on the need to hold a public hearing relative to the project was published in the *Trenton Times* on June 5, 1981. The public comment period expired on July 4, 1981. One request for a public hearing was made by a concerned citizen during the fifteen-day period in which requests were to have been considered. The issues raised in the public hearing request, however, were not related to the concerns of the PSD regulations; therefore, the EPA denied the public hearing request. The EPA also received two letters expressing support for this project.

We have received your September 10, 1981, amendment to the CDC PSD permit application which proposes a project stack height of fifty (50) meters. On the basis of this information and all other information available on the CDC project, the EPA concludes that the project will meet all of the requirements of the PSD regulations codified at 40 CFR 52.21 (45 FR 52676) and the Clean Air Act (the Act). On the basis of these findings, the Regional Administrator hereby issues this final determination of approvability (the final permit decision) to CDC for its proposed diesel cogeneration facility.

In addition to the PSD regulations, the Consolidated Permits Regulations codified at 40 CFR Part 124 (45 FR 33405), apply to the EPA processing of this PSD final permit decision. Specifically, Part 124.19 provides for an administrative appeal of this final determination. If no such appeal is made, this permit will become effective 30 days from your receipt of this letter.

Title 40, CFR 124.19, establishes the following procedures for administrative appeals. Any person who filed comments on the preliminary determination of approvability or participated in the public hearing (if one was held) may petition the EPA Administrator in Washington to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final decision. Any petition for review under this Part must be made within thirty (30) days of service of notice of the final permit decision by the Regional Administrator. The petition for review shall include a statement of the reasons supporting that review, including:

(1) A demonstration (if required under these regulations) that any issues being raised were raised during the public comment period and the public hearing; and when appropriate,

(2) A showing that the contested portion of the permit is based on:

(A) A finding of fact or conclusion of law which is clearly erroneous; or

(B) An exercise of discretion or an important policy consideration which the Administrator should, in his or her discretion, review.

All request for administrative review must be addressed to: Administrator, United States Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, Attention: Mr. Ronald McCallum, Judicial Officer, A101, Rm 1133, (202) 755–2735.

A copy of the request must be sent to Mr. Kenneth Eng at the EPA, Region II Office. His telephone number is (212) 264–4711. If a request for review is made by a party other than the permit applicant, a copy of such a request must be sent to the applicant.

As already noted, this final permit decision will become effective 30 days from receipt of this letter *unless* a review is requested under § 124.19. If a review is requested, the final permit decision will become effective:

(i) When the Administrator issues notice to the parties that review has been denied;

(ii) When the Administrator issues a decision on the merits of the appeal and the decision does not include a remand of the proceedings; or

(iii) Upon the completion of remand proceedings if the proceedings are remanded, unless the Administrator's remand order specifically provides that appeal of the remand decision will be required to exhaust administrative remedies.

If the applicant is notified that a request(s) for review has been filed with the Administrator, it is incumbent upon the applicant to call the EPA Region II Office contact person to ascertain the status of the review request(s).

Once it has become effective, the final permit decision will be final agency action and will be published in the Federal Register. If a petition for review under § 124.19 has previously been filed, this final action may be challenged by filing a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of the date of the Federal Register notice. Under Section 307(b)(2) of the Act, this final action shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

You are authorized to commence construction on this project when this final permit decision becomes effective. If construction is not commenced within eighteen months of this date, discontinued for a period of eighteen months or more, or not completed within a reasonable time such authority shall become invalid. Commence as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(i) Begun or caused to begin a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(ii) Entered into binding agreements or contractual obligations which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

In accordance with the regulations set forth in 40 CFR 52.21(q), the final permit decision shall be made available for public inspection by the New Jersey Department of Environmental Protection, Bureau of Air Pollution Control, Central Field Office, 65 Prospect Street, Trenton, New Jersey 08618.

If you have any questions concerning the final determination herein communicated to you, please call Mr. Kenneth Eng at (212) 264–4711.

Sincerely yours,

Richard T. Dewling, *Ph.D.,*

Acting Regional Administrator.

cc: Michael Weiser, Cogeneration Development Corporation; Milton Polakovic, New Jersey Department of Environmental Protection.

Attachment I

The Cogeneration Development Corporation (CDC) proposes to construct a new diesel cogeneration facility in Trenton, New Jersey. The cogeneration system will consist of one or two diesel engines (total electrical output of 12,000 kilowatts), two supplementary boilers with a total maximum heat input of 100 million British thermal units per hour and on-site fuel oil tankage (not exceeding 355,000 gallons). The construction and operation of the CDC cogeneration

facility are subject to the following conditions:

I. General Limitations

A. CDC shall meet all the specifications (including, but not limited to, design parameters and emission limitations) described in the December 30, 1980, PSD permit application, modification thereto made on September 10, 1981, and Appendix A.

B. CDC shall meet all other applicable federal, state and local environmental requirements.

II. Specific Limitations

A. CDC shall, after entering into contracts, submit statements from manufacturers for the following items:

1. A 6° injection engine retard adjustment will be made at the factory. The manufacturer's statement must include the frequency (in hours of operation) that the engine must be checked and reset for this 6° adjustment.

2. A 30° F. temperature reduction in the manifold will be achieved. The manufacturer's statement must specify what service is required to maintain this low temperature operation.

B. CDC shall, within 60 days after achieving the maximum production rate at which the cogeneration facility will be operated, but not later than 180 days after initial start-up, conduct stack testing to determine the emissions of particulate matter and nitrogen oxides (NO_x). The test report must be submitted to EPA within 90 days from the date that the test is performed. Relative to NO_x stack testing, CDC shall record during the test the manifold temperature and other pertinent parameters which affect NO_x emissions generation. Specific limitations on such factors, based upon satisfactory results of compliance testing, shall be assigned to the CDC project by the EPA.

C. CDC shall not operate the diesel engines without the concurrent operation of the supplementary boilers. A log shall be maintained for demonstration of compliance with this condition.

D. CDC shall not burn any commercial or non-commercial fuels (for which the facility is permitted) that exceed 0.5% of sulfur by weight. Fuel samples and analyses shall be made available (upon request) to the United States Environmental Protection Agency (EPA), and the New Jersey Department of Environmental Protection.

E. CDC shall develop and maintain a monitoring program to monitor the background concentration of NO_x. CDC shall provide at least four months of NO_x monitoring data to the EPA before the cogeneration facility is put into operation and one year of NO_x monitoring data before the program can be terminated. In the event that subsequent NO_x monitoring results indicate a problem with the project being able to meet applicable standards, CDC shall be responsible for implementing any and all measures deemed necessary by the EPA to correct such a problem(s).

F. CDC shall construct the project with a stack height of no less than 50 meters in height. Should problems arise during the actual operation of the facility, CDC shall be responsible for mitigation any adverse air pollution effects.

APPENDIX A.—PSD-AFFECTED POLLUTANTS AND BACT SUMMARY FOR COGENERATION DEVELOPMENT CORPORATION, DIESEL COGENERATION FACILITY IN TRENTON, N. J.

Emission facilities	PSE-affected pollutant	Allowable emissions in tons per year (approximate)	Federal BACT requirements
One 12,000 kilowatt (KW) Diesel Engine *or* Two 6,000 KW Diesel Engines.	Nitrogen oxides (NO_x)	1,869	Use of manufacturer engine modification (6° injection timing retard and a 30°F manifold temperature reduction) and the use of natural gas when available.
	Particulate matter (PM)	71	Combustion of the exhaust gases from the engines in the supplementary boilers.
	Sulfur dioxide (SO_2)	482	Use of low sulfur fuel oil (0.5% by weight) and use of natural gas, when available.
Waste heat boilers	NO_x	(1)	Good cumbustion practice.
	PM	(1)	Good combustion practice.
	SO_2	(1)	Use of low sulfur fuel oil (0.5% by weight) and use of natural gas, when available.

[1] The allowable emissions are included in the above emission rates for the entire cogeneration system.

[FR Doc. 82-22082 Filed 8-12-82; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-59097; TSH FRL 2186-7]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of eight applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: August 30, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-59097]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

TME 82-37

Close of Review Period. September 17, 1982.

Manufacturer. Confidential.

Chemical. (G) Benzoic acid ester.

Use/Production. (G) Use will release less than 50 kg of the substance to the environment in the manufacturer's plant. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 6 workers, up to 2 hrs/da, up to 2 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air with 10-100 kg/yr to land at manufacturing

site, and less than 10 kg/yr to air, land and water at the processing site. Disposal by approved sanitary landfills.

TME 82-38

Close of Review Period. September 17, 1982.

Manufacturer. U.C.T., Inc.

Chemical. (G) Terephthalate polyester transesterification product with dialkylene glycols.

Use/Production. (S) In manufacture of rigid urethane foam. Prod. range: 45 days—441 kg.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and disposal: dermal, a total of 2 workers, up to 8 hrs/da, intermittently.

Environmental Release/Disposal. Less than 10 kg/yr will be released to air, water and land. Disposal by burning.

TME 82-39

Close of Review Period. September 18, 1982.

Manufacturer. Confidential.

Chemical. Further clarification needed before information may be released to the public files.

Use/Production. (G) Site-limited intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

TME 82-40

Close of Review Period. September 18, 1982.

Manufacturer. Confidential.

Chemical. Further clarification needed before information may be released to the public files.

Use/Production. (G) Site-limited intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

TME 82-41

Close of Review Period. September 18, 1982.

Manufacturer. Confidential.

Chemical. Further clarification needed before information may be released to the public files.

Use/Production. (G) Site-limited intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

TME 82-42

Close of Review Period. September 18, 1982.

Manufacturer. Confidential.

Chemical. Further clarification needed before information may be released to the public files.

Use/Production. (G) Catalyst. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

TME 82-43

Close of Review Period. September 18, 1982.

Importer. Confidential.

Chemical. (G) Polymer of they homopolymer of hexane, 1,6-diisocyanato-, substituted alkyl alkanoates and a benzene derivative.

Use/Import. Confidential. Import range: 6 months—2,273 kg.

Toxicity Data. No data submitted.

Exposure. A total of 50 persons have potential for dermal, eye and inhalation exposure as a result of test marketing.

Environmental Release/Disposal. Negligible.

TME 82-44

Close of Review Period. September 18, 1982.

Manufacturer. Confidential.

Chemical. (G) Vinyl chloride-ethylene copolymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 5–10 workers, up to 6–8 hrs/da, up to 3–7 da/yr. Use: dermal, 20–30 workers, 2–8 hrs/da, 24 da/yr.

Environmental Release/Disposal. No additional release.

Dated: August 9, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-22083 Filed 8-12-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51426; TSH FRL 2186-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of twenty-four PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 82-536 & 82-537—October 27, 1982.

PMN 82-538, 82-539 & 82-540—October 31, 1982.

PMN 82-541, 82-542, 82-543, 82-544, 82-545, 82-547, 82-548, 82-550, 82-551, 82-552, 82-553, 82-554, 82-555 & 82-556—November 1, 1982.

PMN 82-557, 82-558, 82-559, 82-560 & 82-561—November 2, 1982.

Written comments by:

PMN 82-536 & 82-537—September 27, 1982.

PMN 82-538, 82-539 & 82-540—October 1, 1982.

PMN 82-541, 82-542, 82-543, 82-544, 82-545, 82-547, 82-548, 82-550, 82-551, 82-552, 82-553, 82-554, 82-555 & 82-556—October 2, 1982.

PMN 82-557, 82-558, 82-559, 82-560 & 82-561—October 3, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51426]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in Public Reading Room E-107.

PMN 82-536

Manufacturer. Confidential.

Chemical. (G) Alkyl ester of polyethylene glycol.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Acute oral: 10 g/kg; Acute dermal: 3.2 g/kg; Eye irritation: Slight irritant.

Exposure. Manufacture: dermal, a total of 4 workers, up to 1 hr/da, up to 85 da/yr.

Environmental Release/Disposal. No release.

PMN 82-537

Manufacturer. Confidential.

Chemical. (G) Amide/amine salt of dicarboxylic acid.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Acute oral: 10 g/kg; Acute dermal: 3.2 g/kg; Skin irritation: Moderate and slight irritant; Eye irritation: Slight irritant.

Exposure. Manufacture: dermal, a total of 4 workers, up to 1 hr/da, up to 100 da/yr.

Environmental Release/Disposal. Less then 10 kg/yr released to air and water. Disposal by navigable waterway or tributary.

PMN 82-538

Manufacturer. Confidential.

Chemical. (G) Modified polymer of styrene and substituted alkyl methacrylates.

Use/Production. (G) Open use. Prod. range: 0-650,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal and eye, a total of 139 workers, up to 7 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10-10,000 kg/yr to land. Disposal by incineration and approved landfill.

PMN 82-539

Manufacturer. U.C.T., Inc.

Chemical. (G) Terephthalate polyester transesterification product with dialkylene glycols and glycerine.

Use/Production. (S) Manufacture of rigid urethane foam. Prod. range: 20,000-6,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and disposal: dermal, a total of 6 workers, up to 8 hrs/da, intermittently.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by incineration.

PMN 82-540

Manufacturer. Confidential.

Chemical. (S) Polymer of butyl 2-methyl-2-propenoate, ethenyl benzene, N-[(2-methylpropoxy)methyl]-2-propenamide.

Use/Production. (S) Industrial coating for industrial manufacturing process. Prod. range: Confidential.

Toxicity Data. Skin irritation: Slight irritant; Eye irritation: Non-irritant; Ames Test: Non-mutagenic; BOD: <43,000 mg/kg; COD: 530.000 mg/kg.

Exposure. Manufacture, Processing and disposal: dermal, a total of 16 workers, up to 24 hrs/da, up to 46 da/yr.

Environmental Release/Disposal. More than 10,000 kg/yr released to land. Disposal by landfill.

PMN82-541

Manufacturer. Confidential.

Chemical. (G) Fumarated rosin ester.

Use/Production. (S) Rosination of pigments. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 2 workers, up to 1 hr/da, up to 3 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10-100 kg/yr to land. Disposal by publicly owned treatment works and approved landfill.

PMN 82-542

Manufacturer. Confidential.

Chemical. (G) Citric acid ester.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 6 workers, up to 2 hrs/da, up to 12 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 100-1,000 kg/yr to land. Disposal by biological treatment system.

PMN 82-543

Manufacturer. Confidential.

Chemical. (G) Maleic acid ester.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data Submitted.

Exposure. Manufacture: dermal, a total of 6 workers, up to 2 hrs/da, up to 12 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 100-1,000 kg/yr to land. Disposal by biological treatment system and approved landfill.

PMN 82-544

Manufacturer. Confidential.

Chemical. (G) Benzoic acid ester.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 6 workers, up to 2 hrs/da, up to 55 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air with 100-1,000 kg/yr to land. Disposal by approved landfill.

PMN 82-545

Importer. Confidential.

Chemical. (S) Polymer of hexane, 1,6-diisocyanato-, homopolymer, 2-butanone, oxime.

Use/Import. (S) Industrial crosslinker for industrial coatings. Import range: 15,000-100,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing, use and disposal: dermal and inhalation, a total of 7 workers, up to 4 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by incineration.

PMN 82-547

Manufacturer. Confidential.

Chemical. (G) Modified polymer of styrene and substituted alkyl methacrylates.

Use/Production. (G) Open use. Prod. range: 0-650,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal, inhalation and eye, a total of 139 workers, up to 7 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 1,000-10,000 kg/yr to land. Disposal by incineration, landfill or sold as fuel.

PMN 82-548

Manufacturer. Jos. Cavedon Chemical Company, Inc.

Chemical. (G) Organometallic coupling agent.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. Acute oral: Non-toxic.

Exposure. Manufacture and use: accidental dermal, a total of 2 workers, up to 24 hrs/da, up to 365 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by publicly owned treatment works (POTW).

PMN 82-550

Manufacturer. Atlantic Chemical Corporation.

Chemical. (G) Sulfoaryl disazo substituted naphthalenesulfonic acid salt.

Use/Production. (S) Industrial colorant for paper and other cellulosics. Prod. range: 1,500-10,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal and inhalation, a total of 4 workers, up to 1 hr/da, up to 72 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 1 hr/da, 72 da/yr with 100-1,000 kg/yr to land 24 hrs/da, 80 da/yr. Disposal by POTW, landfill and company treatment facilities.

PMN 82-551

Manufacturer. Atlantic Chemcial Corporation.

Chemical. (G) Sulfoaryl disazo substituted naphthalenesulfonic acid salt.

Use/Production. (S) Industrial colorant for paper and other cellulosics. Prod. range: 1,500–10,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal and inhalation, a total of 4 workers, up to 1 hr/da, up to 72 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 1 hr/da, 72 da/yr with 100–1,000 kg/yr to land 24 hrs/da, 80 da/yr. Disposal by POTW, landfill and company treatment facilities.

PMN 82–552

Manufacturer. Atlantic Chemical Corporation.

Chemical. (G) Sulfoaryl disazo substituted naphthalenesulfonic acid salt.

Use/Production. (S) Industrial colorant for paper and other cellulosics. Prod. range: 1,500–10,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal and inhalation, a total of 4 workers, up to 1 hr/da, up to 72 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 1 hr/da, 72 da/yr with 100–1,000 kg/yr to land 24 hrs/da, 80 da/yr. Disposal by POTW, landfill and company treatment facilities.

PMN 82–553

Manufacturer. Atlantic Chemical Corporation.

Chemical. (G) Sulfoaryl disazo substituted naphthalenesulfonic acid salt.

Use/Production. (S) Industrial colorant for paper and other cellulosics. Prod. range: 1,500–10,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal and inhalation, a total of 4 workers, up to 1 hr/da, up to 72 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 1 hr/da, 72 da/yr with 100–1,000 kg/yr to land 24 hrs/da, 80 da/yr. Disposal by POTW, landfill and company treatment facilities.

PMN 82–554

Manufacturer. Atlantic Chemical Corporation.

Chemical. (G) Sulfoaryl disazo substituted naphthalenesulfonic acid salt.

Use/Production. (S) Industrial colorant for paper and other cellulosics. Prod. range: 1,500–10,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal and inhalation, a total of 4 workers, up to 1 hr/da, up to 72 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 1 hr/da, 72 da/yr with 100–1,000 kg/yr to land 24 hrs/da, 80 da/yr. Disposal by POTW, landfill and company treatment facilities.

PMN 82–555

Manufacturer. Atlantic Chemical Corporation.

Chemical. (G) Sulfoaryl disazo substituted naphthalenesulfonic acid salt.

Use/Production. (S) Industrial colorant for paper and other cellulosics. Prod. range: 1,500–10,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacturer and processing: dermal and inhalation, a total of 4 workers, up to 1 hr/da, up to 72 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 1 hr/da, 72 da/yr with 100–1,000 kg/yr to land 24 hrs/da, 80 da/yr. Disposal by POTW, landfill and company treatment facilities.

PMN 82–556

Manufacturer. Atlantic Chemical Corporation.

Chemical. (G) Sulfoaryl disazo substituted naphthalenesulfonic acid salt.

Use/Production. (S) Industrial colorant for paper and other cellulosics. Prod. range: 1,500–10,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacturer and processing: dermal and inhalation, a total of 4 workers, up to 1 hr/da, up to 72 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 1 hr/da, 72 da/yr with 100–1,000 kg/yr to land 24 hrs/da, 80 da/yr. Disposal by POTW, landfill and company treatment facilities.

PMN 82–557

Manufacturer. Confidential.

Chemical. (G) Acetamidodimethylsiloxane.

Use/Production. (S) Site-limited paper coating material. Prod. range: Confidential.

Toxicity Data. Skin irritation: Minimal irritant; Ingestion; Low toxicity; Inhalation: Unlikely response.

Exposure. Manufacturer and use: dermal, a total of 10 workers, each day, up to 250 da/yr.

Environmental Release/Disposal. Disposal by approved landfill.

PMN 82–558

Manufacturer. Confidential.

Chemical. (G) Acetamidodimethylsiloxane.

Use/Production. (G) Production of coated paper. Prod. range: Confidential.

Toxicity Data. Skin irritation: Minimal irritant; Ingestion; Low toxicity; Inhalation: Unlikely response.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 82–559

Manufacturer. Confidential.

Chemical. (G) Disubstituted benzene.

Use/Production. (G) Site-limited intermediate. Prod. range: 50–100 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacturer and use: dermal and inhalation, a total of 5 workers, up to 2 hrs/da, up to 5 da/yr.

Environmental Release/Disposal. Minimal release water. Disposal by biological treatement system and incineration.

PMN 82–560

Importer. Confidential.

Chemical. (G) Polymer of the homopolymer of hexane, 1,6-diisocyanato-, substituted alkyl alkanoates and a benzene derivative.

Use/Import. (S) Crosslinker for industrial coatings. Import range: 15,000–100,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing and disposal: dermal and inhalation a total of 7 workers, up to 4 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by incineration.

PMN 82–561

Importer. Confidential.

Chemical. (G) Substituted unsaturated polycyclic alcohol.

Use/Import. Confidential. Import range: Confidential.

Toxicity Data. Skin irritation: Non-irritant; Eye irritation: Non-irritant; Skin sensitization: Nonsensitizer.

Exposure. Processing use and disposal: dermal and eye, 8 hrs/da, varying time periods.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water

and land. Disposal by biological treatment system.

Dated: August 9, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-22084 Filed 8-12-82; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2187-1]

Availability of Environmental Impact Statements Filed August 2 Through August 6, 1982, Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities.

GENERAL INFORMATION: 382-5075 or 382-5076.

Corps of Engineers:

EIS No. 820526, Draft, COE, CA, Acme Landfill Operations, Expansion, Permit, Contra Costa County, Due: Sept. 27, 1982

EIS No. 820525, Final, COE, AK, Bradley Lake Hydroelectric Project, Construction, Kenai Peninsula, Due: Sept. 13, 1982

EIS No. 820521, Final, COE, LA, Louisiana State Penitentiary Levee, Mississippi R., West Feliciano, Due: Sept. 13, 1982

Department of Energy:

EIS No. 820524, Final, BPA, SEV, PRO, 1982 Bonneville Power Admin. Wholesale Power Rate Increase, Due: Sept. 24, 1982

Department of Interior:

EIS No. 820519, Draft, BLM, SEV, ND, MT, Fort Union Region Coal Development, Leasing, Due: Oct. 8, 1982

EIS No. 820517, Final, OSM, MT, Rosebud Mine Area C, Block 1, Operation Permit, Big Horn County, Due: Aug. 19, 1982

Department of Transportation:

EIS No. 820518, Draft, FAA, WA, Snohomish County Airport/Paine Field, Runway Construction, Due: Sept. 27, 1982

EIS No. 820514, Draft, FHW, AK, Sterling Highway Reconstruction, Kenai Mountains, Kenai Peninsula, Due: Oct. 15, 1982

EIS No. 820513, Draft, FHW, NJ, I-295/US 130 Upgrading, Hessian Avenue to Rapaupo Road, Gloucester County, Due: Sept. 27, 1982

Environmental Protection Agency:

EIS No. 820527, Draft, EPA, SEV, ATL, PR, San Juan Harbor Dredged Material Disposal Site, Designation, Due: Sept. 27, 1982

EIS No. 820515, Final, EPA, KY, Mill Creek Area Wastewater Facilities, Grant, Jefferson County, Due: Sept. 13, 1982

Department of Housing and Urban Development:

EIS No. 820522, Final, HUD, MN, Morning View Development, Mortgage Insurance, Dakota County, Due: Sept. 13, 1982

EIS No. 820523, Final, HUD, MT, Valley Unit Development, Mortgage Insurance, Gallatin County, Due: Sept. 13, 1982

EIS No. 820520, Final, HUD, WY, Broken Circle Development, Mortgage Insurance, Uinta County, Due: Sept. 13, 1982

Nuclear Regulatory Commission:

EIS No. 820516, Final, NRC, MI, Midland Plant Units 1 and 2, Operating License, Midland County, Due: Sept. 13, 1982

Dated: August 10, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-22223 Filed 8-12-82; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2187-1]

Withdrawal of Notices of Intent To Prepare Environmental Impact Statements

AGENCY: Environmental Protection Agency (EPA), Region IV, Atlanta, Goergia.

ACTION: Withdrawal of notices of intent to prepare environmental impact statements (EIS).

On February 8, 1980, EPA published in the **Federal Register** (45 FR 8717, 8719) its intention to prepare draft environmental impact statements for issuing NPDES permits for new source coal mining activity in Eastern and Western Kentucky, respectively. EPA Region IV has since determined that an Environmental Assessment will adequately fulfill the requirements of the National Environmental Policy Act and allow for the development of a strategy to streamline the new source NPDES permitting process. No major changes will be made to the material prepared to date, and its is anticipated the Environmental Assessment will be completed by September 1982.

Any comments should be directed to: Mr. Robert B. Howard, Chief, NEPA Compliance Section, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Dated: August 10, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-22224 Filed 8-12-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 82-403, File No. BPH-810505AH, et al.]

AMO Broadcasting Co., et a., Designating Applications for Consolidated Hearing on Stated Issues

In re applications of AMO Broadcasting Company, Santa Fe, New Mexico, Req: 105.1 MHzx, Channel 286, 20 kW (H&V), 2824 feet, BC Docket No. 82-403, File No. BPH-810505AH; Raul R. Tapia, Eduardo Pena, Jr., Edward Romero, and Fabian Chavez, d.b.a. United Broadcasters of New Mexico, Santa Fe, New Mexico, Req: 105.1 MHz, Channel 286, 38 kW (H&V), 2994 feet, BC docket No. 82-404, File No. BPH-810925AR; and WKNE Corporation, Santa Fe, New Mexico, Req: 105.1 MHz, Channel 286, 45 kW (H&V), 2824 feet, BC Docket No. 82-405, File No. BPH-810925AH; for construction permit for a new FM station.

Hearing Designation Order

Adopted: July 9, 1982.

Released: 7-29-82.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by AMO Broadcasting Company, Santa Fe, New Mexico ("AMO"); Raul R. Tapia, Eduardo Pena, Jr., Edward Romero and Fabian Chavez, d.b.a. United Broadcasters of New Mexico, Santa Fe, New Mexico ("United"); and WKNE Corporation, Santa Fe, New Mexico ("WKNE").

2. Analysis of the financial data submitted by WKNE reveals that $217,900 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	[1]$141,900
Legal costs	6,000
Engineering costs	3,000
Installation costs	10,000
STL Equipment	7,000
Operating costs (3 months)	50,000
Total	[2]217,900

[1] WKNE's application does not contain information on the source of this equipment or any plan for deferred payment. In the absence such information, the entire amount must be considered as part of the applicant's start-up costs.

[2] WKNE's application indicates that its total first quarter costs would be $91,975, but does not state any basis for this figure. In view of the above-listed costs, it is impossible to determine how the $91,975 figure was calculated.

WKNE states that it plans to finance construction and operation for three months with the following funds: $50,000 existing capital, $100,000 from a loan, and $25,000 from existing operations, for a total of $175,000. However, the applicant does not provide sufficient information to show that this amount, much less the $217,900 calculated from its cost figures, is, in fact, available.[1]

[1] WKNE states that "since the Applicant is an existing Broadcast Station Licensee, the Estimated Costs of Construction and Estimated Cost of the proposed Station's operation for the first quarter of the year will be financed from existing financial resources and operations." However, the fact that the applicant is an "existing Broadcast Station Licensee" does not excuse it from the obligation to provide an itemized balance sheet which makes a specific showing that it has sufficient liquid assets to constuct and operate the proposed station. WKNE attempts to incorporate by reference the information contained in a license renewal application filed with the Commission on November 24, 1980, and three applications for low power

3. However, although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, the applicant will be given 30 days from the date of mailing of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If the applicant cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82—.

4. Data submitted by the applicants indicate that there would be significant difference in the size of the areas and populations which would recive service from the proposals. Consequently, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants.

5. Except as indicated by the issues specified below, the applicants are qualifid to construct and operate as proposed. However, since the proposals are mutually exclusive they must be designated for hearing in a consolidated proceeding.

6. 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 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 issues, which of the applications, if any, should be granted.

7. It is further ordered, That United Broadcasters of New Mexico shall submit a financial certification in the form required by Section III, FCC Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate, within 30 days of the mailing of this Order.

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. 82-22012 Filed 8-12-82; 8:45 am]

BILLING CODE 6712-01-M

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television stations filed February 17, 1981. However, Section III, Question 2(a) of the construction permit application (FCC Form 301) states that the applicant must submit a "a detailed balance sheet" fully describing its financial position as of "the close of a month within 90 days of the date of the application * * *" Inasmuch as the instant WKNE application was filed September 25, 1981, over seven months after the most recent application which it seeks to incorporate, the information therein is too stale to fulfill WKNE's financial showing requirements. Finally, WKNE submits a letter from the Cheshire National Bank of Keene, New Hampshire, indicating a "strong interest" in financing a new FM station "subject to final review of locations, construction costs and first year operating forecasts." However, the letter does not contain any information on the amount the bank is willing to loan or on interest or payment terms. Accordingly, the bank letter is inadequate to substantiate the availability of any funds.

A Closed Circuit Test of the Emergency Broadcast System During the Week of August 23, 1982

August 11, 1982.

A test of the Emergency Broadcast System (EBS) has been scheduled during the week of August 23, 1982. Only ABC, MBS, NPR, AP Radio, CBS, IMN, NBC and UPI Audio Radio network affiliates will receive the Test Program for the Closed Circuit Test. AP and UPI wire service clients will receive activation and termination messages of the Closed Circuit Test. The ABC, CBS, NBC and PBS television networks are not participating in the Test.

Network and press wire service affiliates will be notified of the test procedures via their network approximately 30 to 45 minutes prior to the test.

Final evaluation of the test is scheduled to be made about one month after the Test.

THIS IS A CLOSED CIRCUIT TEST AND WILL NOT BE BROADCAST OVER THE AIR.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-22073 Filed 8-12-82; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1370]

Petitions for Reconsideration of Actions in Rule Making Proceedings

August 10, 1982.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before August 30, 1982. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Mathis, Robstown and Odem, Texas) (BC Docket No. 81-816, RM's 3948 and 4031)

Filed by: Humberto Lozano Lopez on 6-21-82.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 22074 Filed 8-12-82; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meeting

Special Committee No. 78, "Federal Radionavigation Plan Review"

Notice of 10th Meeting

Wednesday, September 8, 1982—9:30 a.m.

Conference Room 9230/9232, Nassif (DOT) Building, 400 Seventh Street, S.W. at D Street, Washington, DC

Agenda

1. Call to order and administrative matters.
2. Review draft report to RTCM.
3. Review list of candidate issues for further study.
4. Report on FAA Navigation briefing.
5. Further review of Federal Radionavigation Plan.
6. Review of membership of SC-78.

John C. Fuechsel, Chairman SC-78, National Ocean Industries Assoc., 1100 17th Street, N.W., Washington, DC, Phone (202) 785-5116

The RTCM has acted as a coordinator for maritime telecommunications since

its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-22075 Filed 8-12-82; 8:45 am]

BILLING CODE 6712-01-M

Technical Subgroup of Radio Advisory Committee Resumes Meeting August 17, 1982

August 9, 1982.

The Technical Subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Tuesday, August 17, 1982 at 10 a.m. in Room 5119, 2025 M Street, N.W., Washington, D.C.

The Subgroup will continue its consideration of recommendations to the Federal Communications Commission concerning matters pertinent to the ongoing U.S.-Canadian discussions on the drafting of a new bilateral AM agreement which, it is expected, will replace the North American Regional Broadcasting Agreement (NARBA).

The meeting, a continuing one, will be resumed after the August 17, 1982 session at such time and place as is decided at that session. It is open for participation by all interested persons.

For further information, please call the Subgroup Chairman, Mr. Wallace Johnson, at (703) 841–0500.

Federal Communications Commission.

William J. Tricarico,

Secretary,

[FR Doc. 82-22071 Filed 8-12-82; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 82-476, File No. 22925-CG-P-(3)-82 and CC Docket No. 82-477, File No. 23577-CG-P-(3)-82]

Pac-West Telecomm, Inc. and Answer Iowa, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

Order Designating Applications for Hearing

Adopted July 22, 1982.
Released July 27, 1982.

In re applications of PAC-WEST TELECOMM, INC., for authority to construct a new airground radiotelephone station on frequencies 454.675, 454.725 and 454.800 MHz in the Domestic Public Land Mobile Radio Service at Fargo, North Dakota and ANSWER IOWA, INC., for authority to construct a new airground radiotelephone station on frequencies 454.675, 454.725 and 454.80 MHz in the Domestic Public Land Mobile Radio Service at Fargo, North Dakota.

1. Presently before the Chief, Mobile Services Division, acting pursuant to delegated authority, are the captioned applications of Pac-West Telecomm, Inc. (Pac-West) and Answer Iowa, Inc. (AII) for airground radiotelephone stations at Fargo, North Dakota. These applications are electrically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest.

2. We find both Pac-West and AII to be legally, technically and otherwise qualified to construct and operate the proposed facilities. Accordingly, it is ordered pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Pac-West Telecomm, Inc., File No. 22925–CG–P–(3)–82 and Answer Iowa, Inc., File No. 23577–CG–P–(3)–82, 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 maintenance, personnel, and facilities pertaining thereto; and

(b) 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.

3. 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.

4. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, That the applicants shall file written notices of appearances under § 1.221 of the Commission's Rules within 20 days of the release date of this Order.

6. 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. 82-22013 Filed 8-12-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974; Proposed New System of Records

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed New System of Records.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a), the Federal Emergency Management Agency gives notice of the proposed new system of records, FEMA/RMA–10, Claims Collection Files.

A notice regarding this proposed system of records appeared in the **Federal Register** on May 19, 1982, 47 FR 21620. As a result of comments received from Subcommittee on Government Information and Individual Rights, the routine use to permit release of information on claims to a commercial credit bureau for further collection action was deleted until such time as pending legislation is considered on that subject matter. Also, the FEMA Desk Officer at the Office of Management and Budget requested that the system notice be revised for more clarity and asked that we begin the entire process over. Therefore, we are rescinding the notice in the **Federal Register** on May 19, 1982, and republishing the system notice in its entirety. A new system report has been filed with the Office of Management and Budget, the Speaker of the House of Representatives and the President of the Senate.

DATE: The proposed new system of records shall become effective as proposed without further notice on October 12, 1982, unless we receive comments on or before that date which would result in a contrary determination. Any interested party may submit written comments regarding this proposal.

ADDRESS: Address comments to the Federal Emergency Management Agency, Attn: Docket Clerk, Office of General Counsel, Room 840, 500 C Street, S.W., Washington, D.C. 20472. Comments received will be available for public inspection at the above address from 9 a.m. to 4 p.m., Monday through Friday (except for legal holidays).

FOR FURTHER INFORMATION CONTACT: Linda Keener, FOIA/Privacy Specialist, at (202) 287–0313.

SUPPLEMENTARY INFORMATION: The proposed system of records is needed to comply with the Federal Claims Collection Act of 1966 and the related FEMA regulations, 44 CFR Part II,

Subpart C. It is the policy of the Federal Emergency Management Agency to ensure the timely and economical collection of all monies owed the Government, including, but not limited to, monies due for loans, grants, procurements, sales of goods and services, fines, penalties, forfeitures, interest, overpayments, fees, duties, rents, royalties, claims and damages.

Dated: July 29, 1982.

James L. Holton,

Director, Office of Public Affairs, Federal Emergency Management Agency.

FEMA/RMA-10

SYSTEM NAME:

Claims Collection Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Primary system is located in the Office of Comptroller, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. Secondary systems will be maintained by the Claims Collection Officers designated for the following offices: Federal Insurance Administration, National Preparedness Programs, State and Local Programs and Support, National Emergency Training Center, U.S. Fire Administration, and each FEMA Regional Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are indebted to FEMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Claims Collection Officers' file will contain the name and address of the debtor, amount of claim or delinquent amount; basis of claim; date claim arose; office referring claim to the Claims Collection Officer; record of each collection made; credit report or financial statement reflecting the net worth of the debtor; date by which the claim must be referred to the Agency Collections Officer for further collection action; citation of basis on which claim was terminated or compromised; and the appropriation number under which the Accounts/Notes Receivable was established.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 951–953 (Federal Claims Collection Act of 1966), Public Law 90–616, and Public Law 92–453.

PURPOSE:

Information is used for the purpose of collecting monies owed FEMA arising out of any administrative or program activities or services administered by FEMA. The Claims Collection Officers' file represents the basis for the claim and amount of claim and actions taken by FEMA to collect the monies owed under the claim. The credit report or financial statement provides an understanding of the individual's financial condition with respect to requests for deferment of payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

When debts are uncollectable, copies of the FEMA Claims Collection Officers' file regarding the claim and actions taken to attempt to collect the monies is forwarded to the U.S. General Accounting Office, Department of Justice, or a United States Attorney for further collection action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, onlists and forms, and in computer processible storage media.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Personnel screening; hardware and software computer security measures. Paper records are retained in a locked container and/or locked room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

The file on each claim on which administrative collection action has been completed shall be retained by Claims Collection Officers' respective program office not less than one year after the applicable statute of limitations has run out. The file is then transferred to the National Archives and Records Service for a period of six years and three months after the end of the fiscal year in which the claim was closed out by means of the claim being paid, terminated, compromised, or the statute of limitations had run out.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

Notification procedure: Individuals wishing to inquire whether this system of records contains information about them should contact the system manager identified above.

RECORDS ACCESS PROCEDURE:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES;

Directly from the debtor, the initial loan application, credit report from the commercial credit bureau, administrative or program offices within FEMA, or other Federal, State, or local agencies which are involved in programs or services administered by FEMA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-21945 Filed 8-12-82; 8:45 am]
BILLING CODE 6718-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-181]

Home Federal Savings and Loan Association of the Rockies, Fort Collins, Colo.; Final Action Approval of Conversion Applications

Dated: August 10, 1982.

Notice is hereby given that on July 13, 1982, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Home Federal Savings and Loan Association of the Rockies, Fort Collins, Colorado, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said

Corporation at the Federal Home Loan Bank of San Francisco, 600 California Street, San Francisco, California 94120.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-22056 Filed 8-12-82;8:45 am]

BILLING CODE 6720-01-M

First Savings and Loan Association of Suffolk, Suffolk, VA; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2) (1976)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for First Savings and Loan Association of Suffolk, Suffolk, Virginia, effective August 6, 1982.

Dated: August 10, 1982.

J. J. Finn,

Secretary.

[FR Doc. 82-22054 Filed 8-12-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

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 appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of New York** (A. Marshall, Puckett, Vice President) 33 Liberty Street, New York, New York 10045.

1. *Manufacturers Hanover Corporation,* New York, New York (mortgage company, servicing and insurance activities; Ohio): To expand the service area of Manufacturers Hanover Mortgage Corporation ("MHMC") located in Independence, Ohio. MHMC engages in the activities of arranging, making, or acquiring for its own account or for the account of others loans and other extensions of credit such as would be made or acquired by a mortgage company; servicing such loans and other extensions of credit; and acting as agent or broker for the sale of credit life insurance and credit accident and health insurance relating to such loans and other extensions of credit. MHMC presently serves customers in Cuyahoga, Lake, and Lorain Counties. MHMC will continue to serve these customers and proposes to expand the service area to include Ashtabula, Geauga, Mahoning, Medina, Portage, Stark, Summit, and Trumbull Counties. Comments on this application must be received not later than September 7, 1982.

2. *Manufacturers Hanover Corporation,* New York, New York (mortgage company, servicing and insurance activities; Arizona): To expand the service area of Manufacturers Hanover Mortgage Corporation ("MHMC") located in Mesa, Arizona. MHMC engages in the activities of arranging, making, or acquiring for its own account or for the account of others loans and other extensions of credit such as would be made or acquired by a mortgage company; servicing such loans and other extensions of credit; and acting as agent or broker for the sale of credit life insurance and credit accident and health insurance relating to such loans and other extensions of credit. MHMC presently serves customers in Maricopa County and the cities of Mesa and Tempe. MHMC will continue to serve these customers and proposes to expand the service area to include Coconino, Mohave, and Yavapai Counties. Comments on this application must be received not later than September 7, 1982.

3. *Manufacturers Hanover Corporation,* New York, New York (mortgage company, servicing and insurance activities; Arizona): To expand the service area of Manufacturers Hanover Mortgage Corporation ("MHMC") located in Phoenix, Arizona. MHMC engages in the activities of arranging, making, or acquiring for its own account or for the account of others loans and other extensions of credit such as would be made or acquired by a mortgage company; servicing such loans and other extensions of credit; and acting as agent or broker for the sale of credit life insurance and credit accident and health insurance relating to such loans and other extensions of credit. MHMC presently serves customers in Maricopa County. MHMC will continue to serve these customers and proposes to expand the service area to include Coconino and Yuma Counties. Comments on this application must be received not later than September 7, 1982.

4. *Manufacturers Hanover Corporation,* New York, New York (mortgage company, servicing and insurance activities; Florida): To expand the service area of Manufacturers Hanover Mortgage Corporation ("MHMC") located in West Palm Beach, Florida. MHMC engages in the activities of arranging, making, or acquiring for its own account or for the account of others loans and other extensions of credit such as would be made or acquired by a mortgage company; servicing such loans and other extensions of credit; and acting as agent or broker for the sale of credit life insurance and credit accident and health insurance relating to such loans and other extensions of credit. MHMC presently serves customers in Palm Beach County. MHMC will continue to serve these customers and proposes to expand the service area to include Dade, Broward, Martin, St. Lucie, Monroe, Okeechobee and Indian River Counties. Comments on this application must be received not later than September 7, 1982.

5. *Manufacturers Hanover Corporation,* New York, New York (mortgage company, servicing and insurance activities; Michigan): To expand the service area of Manufacturers Hanover Mortgage Corporation ("MHMC") located in Warren, Michigan. MHMC engages in the activities of arranging, making, or acquiring for its own account or for the account of others loans and other extensions of credit such as would be

made or acquired by a mortgage company; servicing such loans and other extensions of credit; and acting as agent or broker for the sale of credit life insurance and credit accident and health insurance relating to such loans and other extensions of credit. MHMC presently serves customers in Wayne, Oakland, and Macomb Counties. MHMC will continue to serve these customers and proposes to expand the service area to include St. Clair County. Comments on this application must be received not later than September 7, 1982.

6. *Manufacturers Hanover Corporation*, New York, New York (insurance activities; entire United States): To expand the service area of CMC Insurance Agency, Inc. ("CMC"), located in Farmington Hills, Michigan. MCM engages in the activities of acting as agent or broker for the sale of credit life and credit accident and health insurance related to extentions of credit made, acquired, or serviced by Manufacturers Hanover Mortgage Corporation ("MHMC") for its own account or the account of others. CMC presently engages in these activities in the service areas of MHMC offices in Farmington Hills, Grand Rapids, Lansing, and Warren, Michigan; Cincinnati, Independence, Columbus, and Dayton, Ohio; Chicago, Homewood, and Schaumburg, Illinois; St. Louis Park, Minnesota; Woodbridge, Falls Church, and Newport News, Virginia; West Plam Beach, Florida; Greenbelt, Maryland; Houston and Humble, Texas; Englewood, Colorado; Mesa, Phoenix, and Tucson, Arizona. MHMC proposes to expand the service area of CMC to include the entire United States. Comments on this application must be received not later than September 7, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Landmark Banking Corporation of Florida*, Ft. Lauderdale, Florida (leasing and insurance activities; Texas, Oklahoma, Louisiana and New Mexico): To engage through its subsidiaries, Capital America, Inc. and Capital Associates, Inc. as principal, agent, broker or advisor for the leasing of personal property, mainly office and other equipment, and as agent or broker for the selling of credit life and credit accident and health insurance. These activities will be conducted from an office in Arlington, Texas and the geographic areas to be served are the states of Texas, Oklahoma, Louisiana and New Mexico. Comments on this application must be received not later than September 7, 1982.

Board of Governors of the Federal Reserve System, August 9, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-21953 Filed 8-12-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Brantley Bancorp, Inc.*, Brantley, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of Brantley Bank and Trust Company, Brantley, Alabama. Comments on this application must be received not later than September 7, 1982.

2. *Union Bancshares, Inc.*, Livingston, Tennessee; to become a bank holding company by acquiring 80 percent of the voting shares of Union Bank and Trust Company, Livingston, Tennessee. Comments on this application must be received not later than September 7, 1982.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *First Financial Bancorp*, Lodi, California; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Lodi, N.A. (in organization), Lodi, California. Comments on this application must be received not later than September 7, 1982.

Board of Governors of the Federal Reserve System, August 9, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-21954 Filed 8-12-82; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Company

August 9, 1982.

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 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 Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First City Financial Corporation*, Albuquerque, New Mexico; to acquire 100 percent of the voting shares or assets of First City National Bank-Roswell, Roswell, New Mexico. Comments on this application must be received not later than September 7, 1982.

Board of Governors of the Federal Reserve System, August 9, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-21955 Filed 8-12-82; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; General Electric Company

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: General Electric Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Applied Materials, 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 Applied Materials, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 29, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 311, 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. 82–22085 Filed 8–12–82; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Merrill Lynch & Co., Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Merrill Lynch & Co. 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 Signode 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 28, 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. 82–22088 Filed 8–12–82; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Roxboro Investments (1976) Ltd.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Roxboro Investments (1976) Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of U.S. 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 Roxboro Investments (1976) Ltd. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 28, 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. 82–22086 Filed 8–12–82; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Warner Communications, Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Warner Communications, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Kirk Kerkorian. 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 Kirk Kerkorian. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 28, 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. 82–22087 Filed 8–12–82; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; Committee of Management of the National Coal Board Staff Superannuation Scheme

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Committee of Management of the National Coal Board Staff Superannuation Scheme is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all of the assets of Great Basins Petroleum Co. 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 Committee of Management of the National Coal Board Supperannuation Scheme. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 28, 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 noice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82–22089 Filed 8–12–82; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming national consumer exchange meeting to be chaired by the Commissioner of Food and Drugs.

DATE: The meeting will be held at 3:30 p.m., Monday, September 13, 1982.

ADDRESS: The meeting will be held in the Hubert H. Humphrey Bldg. Auditorium, 200 Independence Ave. SW., Washington, D.C. 20201. Interpreter services for deaf or hearing-impaired consumers will be provided upon request.

FOR FURTHER INFORMATION CONTACT: Alexander Grant, Associate Commissioner for Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5006; (TTY; telephone for the deaf) 301–443–1818.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to exchange information between FDA officials and consumer representatives, by providing an opportunity for consumer representatives to present their views directly to the Commissioner and to the top managers of FDA, by seeking solutions to any problems agreed on during this communication, and by giving the agency an opportunity to discuss and communicate vital health and policy issues to the concerned public. Proposed discussion at the meeting will focus on benefit-risk decisionmaking as it applies to recent drug issues and safety determinations as they apply to recent food issues.

Dated: August 4, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–21680 Filed 8–12–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 80P–0001]

RINN Corp.; Approval of Extension of Variance for "Condy Ray" Film Holder and X-ray Beam Alignment Instrument

Correction

In FR Doc. 82–20653 appearing on page 33008 of the issue of Friday, July 30, 1982 the Docket No. in the heading should have read as set forth above.

BILLING CODE 1505–01–M

[Docket No. 82G–0207]

Agriculture Canada, Research Branch; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administation (FDA) announces that the Research Branch, Agriculture Canada, has filed a petition (GRASP 0G0266) proposing affirmation that the use of low erucic acid rapeseed oil as a food ingredient is generally recognized as safe (GRAS).

DATE: Comments by October 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Vivian Prunier, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–5487.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), and the regulations for affirmation of GRAS status under § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 0G0266) has been filed by Research Branch, Agriculture Canada, Ottawa, Ontario, Canada, K1A 0C5, and placed on public display at the Dockets Management Branch (address above), proposing affirmation that low erucic acid rapeseed oil is generally recognized as safe as a food ingredient.

Low erucic rapeseed oil (2 percent maximum erucic acid) is produced from low erucic acid-bearing rapeseed varieties derived from *Brassica napus* and *Brassica campestris.* Low erucic acid rapeseed oil and hydrogenated low erucic acid rapeseed oil are proposed for use as ingredients in food to the same extent as other edible fats and oils.

Interested persons may, on or before October 12, 1982 review the petition and/or file comments (two copies) identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch. Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 3, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82–21850 Filed 8–12–82; 8:45 am]

BILLING CODE 4160–01–M

Consumer Participation; Notice of Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings to be chaired by Hayward E. Mayfield, District Director, Nashville District Office.

DATES AND ADDRESSES: (1) Wednesday, August 25, 1982, 10 a.m. to 12 m., Conference Rm., Food and Drug Administration, 297 Plus Park Blvd., Nashville, TN 37217; (2) Friday, August 27, 1982, 11 a.m. to 12 m., 220 Bicentinnial Blvd., Lawrenceburg, TN 38464.

FOR FURTHER INFORMATION CONTACT: Barbara B. Shields (August 25 meeting), Jessica A. Parchman (August 27 meeting), Consumer Affairs Officer, Food and Drug Administration, 297 Plus Park Blvd., Nashville, TN 37217, 615–251–7127.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: August 6, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–21848 Filed 8–12–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 82F–0229]

Goodyear Tire & Rubber Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Goodyear Tire & Rubber Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of styrenated diphenylamine as an antioxidant and/or stabilizer for polymers for food-contact use.

FOR FURTHER INFORMATION CONTACT: James H. Maryanski, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3637) has been filed by Goodyear Tire & Rubber Co., Akron, OH 44316, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of styrenated diphenylamine in § 175.105 *Adhesives* (21 CFR 175.105) and in § 177.2600 *Rubber articles intended for repeated use* (21 CFR 177.2600).

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: August 2, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82–21849 Filed 8–11–82; 8:45 am]

BILLING CODE 4160–01–M

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. September 20 and 21, 9 a.m., Rm. 1409, 200 C St. SW., Washington, DC.

Type of meeting and executive secretary. Open public hearing, September 20, 9 a.m., to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 5 p.m.; open public hearing, September 21, 9 a.m to 10 a.m; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 3 p.m.; open committee discussion, 3 p.m. to 5 p.m.; George C. Murray, Bureau of Medical Devices (HFK–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7940.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation. The committee also reviews data on new devices and makes recommendations regarding their safety and effectiveness and their suitability for marketing.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the executive secretary before September 7 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On September 20, the committee will discuss premarket approval applications (PMA's) for intraocular lenses (IOL's) and may dicuss PMA's for other ophthalmic products. If discussion of all pertinent IOL issues is not completed, discussion will be continued the following day. On September 21, the committee may discuss PMA's or general issues relating to contact lens or other ophthalmic products. The committee will also hold a final discussion on the revised draft contact lens guidelines and matrices for contact lens and contact lens products.

Closed committee deliberations. On September 20 and 21, the committee will conduct reviews of PMA's for IOL applications. On September 21, the committee may also discuss trade secret or confidential commercial information relevant to PMA's for contact lens products. These portions of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved

for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of date and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data of information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: August 6, 1982.

Arthur Hull Haynes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 21963 Filed 8–12–82; 8:45 am]

BILLING CODE 4160–01–M

International Multifoods; Napiana Broiler Concentrate Containing Roxarsone; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by International Multifoods Corp. providing for use of Napiana Broiler Concentrate 3-nitro-4-hydroxyphenylarsonic acid (roxarsone) for growth stimulation in chickens and turkeys. The firm requested withdrawal of approval.

EFFECTIVE DATE: August 23, 1982.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine (HFV–218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4093.

SUPPLEMENTARY INFORMATION: International Multifoods Corp., 1200 Multifoods Bldg., Eighth and Marquette Sts., Minneapolis, MN 55402, is the sponsor of NADA 9–028 which provides for use of Napiana Broiler Concentrate 3-nitro-4-hydroxyphenylarsonic acid (roxarsone), an intermediate premix containing 0.10 percent roxarsone which provides for growth stimulation in chickens and turkeys. The product, originally sponsored by Nappanee Milling Co., Nappanee, IN, became effective April 15, 1953. In their submission of March 11, 1982, to the Bureau of Veterinary Medicine, International Multifoods requested withdrawal of approval of the NADA because the product was no longer being marketed. Approval of this NADA had not been codified in the Code of Federal Regulations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84) and in accordance with § 514.115 Withdrawal of approval of applications (21 CFR 514.115), notice is given that approval of NADA 9–028 and all supplements for Napiana Broiler Concentrate 3-nitro-4-hydroxyphenylarsonic acid (roxarsone) is hereby withdrawn, effective August 23, 1982.

Dated: August 6, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82–21964 Filed 8–12–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 82N–0266]

New Drug Status of OTC Combination Drug Products Containing Caffeine, Phenylpropanolamine, and Ephedrine

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that it

has determined that combination drug products consisting of caffein, phenylpropanolamine, and ephedrine are new drugs and as such are required to be the subject of an approved new drug application (NDA). FDA has concluded that this combination, available over-the-counter (OTC) and typically labeled for use as a nasal decongestant, bronchodilator, and stimulant, is not included in the OTC Drug Review. FDA further states its conclusion that these products present a potential hazard to health. The agency revokes any prior advisory opinion that would preclude enforcement against these products.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Eileen R. Hodkinson, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301–443–6490.

SUPPLEMENTARY INFORMATION: Combination drug products consisting of the triple combination of caffeine, phenylpropanolamine, and ephedrine and/or their salts are currently available over-the-counter (OTC) and are labeled for uses as a nasal decongestant, bronchodilator, and stimulant and for use as a diet aid/stimulant. The agency has determined that these drug products are new drugs as defined under section 201(p) of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 321(p)) in that they are not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in their labeling, and they have not been used for a material time or to a material extent.

As a general rule, FDA has deferred new drug enforcement actions with respect to products included in the ongoing OTC Drug Review. In the agency's view, however, this triple-combination product is not the kind of product that is, or was ever intended to be, included in the OTC Drug Review. No evidence on the safety or effectiveness of the triple combination was submitted to the Review. In addition to having no known medical rationale, the triple combination has a highly suspect marketing history, suggesting that it is frequently used to mimic, and capitalize on the market for, controlled substances.

Although individual active ingredients of this triple combination, at certain levels and for certain indications, alone and in some combinations are being reviewed in the OTC Drug Review, the agency has concluded that the triple combination is not included in the Review. Any prior statements by FDA emloyees suggesting that the triple combination is included in the OTC Drug Review are incorrect and are hereby revoked.

The agency also believes that this triple combination presents a potential health hazard. The combination of caffeine, phenylpropanolamine, and ephedrine has been marketed and promoted as a product capable of producing effects similar to those produced by controlled substances, and has been widely misused and abused. Even when taken as indicated in its labeling, however, this combination drug product is known to cause excess central nervous system stimulation that could have adverse physiological consequences. Further, the combination of these three ingredients is irrational and without medical justification; the concomitant symptoms of nasal congestion, asthma, and the need for stimulation at the same time does not occur in any significant patient population. Nor has ephedrine been shown effective as a diet aid. Thus, because of this potential health hazard, even if the combination were under review as part of the OTC Drug Review, enforcement action against the triple combination as a new drug would be appropriate.

Therefore, because products containing the triple combination of ingredients, i.e., caffeine, phenylpropanolamine, and ephedrine and/or their salts, are new drugs and no approval of an application filed pursuant to section 505(b) of the act is effective for such drugs, nor is a notice of claimed investigational exemption pursuant to section 505(i) of the act and 21 CFR 312.1 on file, shipment of these products in interstate commerce violates section 301(d) of the act (21 U.S.C. 331(d)). Further, under section 502(f)(1) of the act (21 U.S.C. 352(f)(1)), these drugs are misbranded in that their labeling fails to bear adequate directions for use and they are not exempt from such requirements under 21 CFR 201.115 because they are unapproved new drugs. Shipment of these drugs in interstate commerce and their manufacture from components received in interstate commerce violate section 301 (a) and (k) of the act, respectively. Persons engaging or participating in or causing the manufacture or shipment of these drugs are subject to regulatory action, and the drugs themselves are subject to seizure under section 304 of the act (21 U.S.C. 334).

As explained above, FDA has concluded that these products were never intended to be included in the OTC Drug Review and that, even if they were included, enforcement actions could be taken against these products consistent with FDA's Compliance Policy Guide because the drugs present a potential health hazard. In any case, this document, as an official advisory opinion by FDA, removes any potential restraint on enforcement actions brought with respect to these drugs. Such a restraint could be argued to exist because the agency's Compliance Policy Guide is, in some circumstances, an advisory opinion of the agency that must be followed until amended or revoked (21 CFR 10.85 (d)(3) and (e)). An advisory opinion may, however, be amended or revoked at any time after it is issued, and notice of amendment of revocation may be given in the **Federal Register**. This is such a notice. Any statement by FDA, in the Compliance Policy Guide or otherwise, that suggests in any way that enforcement will not be taken against the products referred to in this notice is hereby revoked to the extent that that statement applies to such products. In addition, the Commissioner of Food and Drugs has determined that substantial public interest considerations preclude continued acceptance by FDA of any action undertaken or completed in alleged conformity with what anyone may believe to have been a prior advisory opinion that these products could be legally marketed, *see* 21 CFR 10.85(h). Because there is no legitimate use for these products, no transition period for use of the products is applicable, *id.*

The agency has considered whether there is any need to undertake notice and comment rulemaking in order to state in the **Federal Register** its position on these drugs. It has concluded that no such requirement exists. This statement, even if taken as a revocation of valid prior advisory opinions, is in accordance with FDA's regulations which do not require notice and comment rulemaking for publication of such revocation. In addition, this statement of the agency policy with respect to these drugs is not a substantive rule because it does not have, in it and of itself, the force and effect of law. *Cf. Burroughs Wellcome Co.* v. *Schweiker*, 649 F. 2d 221, 225 (4th Cir. 1981). This announcement is not a "declaration" that the drug is a new drug made after appropriate administrative proceedings. Rather, it is a statement of FDA's position. The government is prepared to present proof to support the agency's conclusion that

these products are new drugs in the course of any action that may be brought to enforce the law with respect to these products. *Cf. United States* v. *An Article of Drug * * * X-Otag Plus Tablets*, 602 F. 2d 1387, 1390–91 (10th Cir. 1979).

Dated: August 10, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82–22195 Filed 8–11–82; 12:47 pm]

BILLING CODE 4160–01–M

National Institutes of Health

Meeting of the Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, October 8, 1982, Confercene Room 7, 6th Floor, C–Wing, Building 31, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. to approximately 5:00 p.m. on Friday, October 8, to evaluate program support in Arteriosclerosis, Hypertension, and Lipid Metabolism. Attendance by the public will be limited on a space available basis.

Ms. Terry Bellicha, Chief, Public Inquiry and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. G. C. McMillan, Associate Director, Arteriosclerosis, Hypertension, and Lipid Metabolism Program, NHLBI, Room 4C–12, Federal Building, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–1613, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: July 19, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–22042 Filed 8–12–82; 8:45 am]

BILLING CODE 4140–01–M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on August 6.

Public Health Service

Health Resources Administration

Subject: Uncompensated Services Assurances Report (0935–0021)—Extension
Respondents: Federally aided (Hill-Burton) health care facilities
OMB Desk Officer: Richard Eisinger

National Institutes of Health

Subject: Case-Control Study of Brain Tumors and Occupational Factors—New
Respondents: Individuals
OMB Desk Officer: Richard Eisinger

Office of Human Development Services

Subject: Child Welfare Services State Plan—New
Respondents: State agencies responsible for administering programs under title IV–B of the Social Security Act
Subject: State Plan for Foster Care and Adoption Assistance—New
Respondents: State agencies responsible for administering programs under title IV–E of the Social Security Act
OMB Desk Officer: Milo Sunderhauf

Office of the Secretary

Subject: Community Service Assurance Report (Hill-Burton) (Formerly part of OMB No. 0935–0021)—Extension
Respondents: Recipients of Hill-Burton funds/hospitals and other health facilities
Subject: Request for Funds (TFS–5805)—New
Respondents: Grantees of Department paid by TFCS Letters of Credit
Subject: Payment Voucher on Letter of Credits (TFS–5401)—New
Respondents: Grantees of Department paid by FRB Letter of Credit
OMB Desk Officer: Richard Eisinger

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524–F, Washington, D.C. 20201
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer)

Dated: August 6, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 82–21924 Filed 8–12–82; 8:45 am]

BILLING CODE 4150–04–M

Public Health Service

National Toxicology Program; Availability of Cancer Bioassay Reports on 11-Aminoundecanoic Acid, C.I. Disperse Yellow 3, D & C Red No. 9, Gum Arabic, and Stannous Chloride

The HHS' National Toxicology Program today announces the availability of technical reports on carcinogenesis bioassays of 11-aminoundecanoic acid, a chemical used to make Nylon-11; C.I. Disperse Yellow 3, a monazo dye; D & C Red No. 9, a pigment used in externally applied drugs and cosmetics; gum arabic, a food additive; and stannous chloride, an inorganic tin compound.

In this 103–104 week feeding study, 11-aminoundecanoic acid was carcinogenic for male rats, inducing neoplastic nodules in the liver and transitional-cell carcinomas in the urinary bladder. The test chemical was not carcinogenic for female rats. No clear evidence was found for the carcinogenicity of 11-aminoundecanoic acid in mice of either sex, although the increase in malignant lymphoma in male mice may have been associated with administration of 11-aminoundecanoic acid.

In a 103 week feeding study, C.I. Disperse Yellow 3 was considered carcinogenic for male rats, causing an increased incidence of neoplastic nodules of the liver; this dye was not carcinogenic for female rats. In addition, the stomach tumors found in the male rats may have been induced by the administration of the test chemical. C.I. Disperse Yellow 3 was carcinogenic for female mice, as evidenced by the

increased incidence of hepatocellular adenomas; C.I. Disperse Yellow 3 was not carcinogenic for male mice. Also, the increased incidence of malignant lymphoma in female mice may have been associated with the administration of C.I. Disperse Yellow 3.

D & C Red No. 9 was carcinogenic for male rats causing an increased incidence of sarcomas of the spleen and a dose-related increase in neoplastic nodules of the liver. D & C Red No. 9 was not considered to be carcinogenic to female rats, although the increased incidence of neoplastic nodules of the liver may have been associated with administration of the test chemical. D & C Red No. 9 was not carcinogenic for mice of either sex.

Gum arabic, was not carcinogenic in rats or mice of either sex in a 103-week feeding study. Gum arabic is used in a wide variety of both industrial products such as cement, glue, and paints, and foods such as beer, candy, confectionaries, imitation dairy products, soft drinks, and toppings.

In a 103-week feeding study stannous chloride was judged not to be carcinogenic for male or female rats or mice, although C-cell tumors of the thyroid gland in male rats may have been associated with the administration of the test chemical. Stannous chloride is a food preservative; stabilizer for colors, soaps, and perfumes; and a reducing agent in tin plating.

Positive results demonstrate that a chemical is carcinogenic to animals under the conditions of the test and indicate that exposure is a potential hazard to humans. However, because of the limited experimental conditions, negative results—in which the test animals do not have a greater incidence of cancer than the controls—do not necessarily mean that the chemical is not an animal carcinogen.

Copies of these Technical Reports—*Carcinogenesis Bioassay of 11-Aminoundecanoic Acid* (T.R. 216), *Carcinogenesis Bioassay of C.I. Disperse Yellow 3* (T.R. 222), *Carcinogenesis Bioassay of D & C Red No. 9* (T.R. 225), *Carcinogenesis Bioassay of Gum Arabic* (T.R. 227), and *Carcinogenesis Bioassay of Stannous Chloride* (T.R. 231)—are available without charge by writing to the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709; Telephone: (919) 541-3991; FTS 629-3991.

Dated: July 30, 1982.

David P. Rall, M.D., Ph.D.,

Director, National Toxicology Program.

[Fr Doc. 82-22041 Filed 8-12-82; 8:45am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Finding for Federal Acknowledgment of the Narragansett Indian Tribeof Rhode Island

August 3, 1982.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.9(f) (formerly 25 CFR 54.9(f)), notice is hereby given that the Assistant Secretary proposes to acknowledge that the Narragansett Indian Tribe, c/o Mr. George Watson, Route 2, Charlestown, Rhode Island 02813, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group satisfies all of the criteria set forth in 25 CFR 83.7 and, therefore meets the requirements necessary for a government-to-government relationship with the United States.

Under § 83.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision is available to the petitioner and interested parties upon written request.

Section 83.9(g) of the regulations provides that any individual or organization wishing to challenge the proposed findings may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 days of the publication of this notice. Comments and requests for a copy of the report should be addressed to the Office of the Assistant Secretary—Indian Affairs, Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, Attention: Branch of Federal Acknowledgment.

After consideration of the written arguments and evidence rebutting the proposed findings and within 60 days after the expiration of the response period, the Assistant Secretary will publish his determination regarding the petitioner's status in the **Federal Register** as provided in § 83.9(h).

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 82-22051 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[M 21435]

Montana; Partial Termination of Proposed Withdrawal and Reservation of Land

Correction

In FR Doc 82-19927, published on page 31968, on Friday, July 23, 1982, in the first column, "[M 21435]" should appear as the first line of the document.

BILLING CODE 1505-01-M

[Serial No. I-18778]

Idaho; Conveyance of Public Land Owyhee County

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), the following-described public lands have been sold by Direct Sale to Gwendolyn A. Spurgeon and Nelle N. Carver, 1502 Everett Street, Caldwell, Idaho 83605.

Boise Meridian, Idaho

T. 5 S., R. 3 W.,
Sec. 6, lot 60
Comprising 0.13 acres

The lands were conveyed to resolve a very complicated and long standing occupancy problem in the old historic mining area of Silver City. The public interest was well served through completion of the sale. The fair market value of the land was appraised at $200.00 and payment of this amount was received by the United States.

Louis B. Bellesi,

Chief, Division of Operations.

[FR Doc. 21967 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. 5229]

Idaho; Partial Termination of Proposed Withdrawal and Reservation of Lands

August 5, 1982.

Notice of an application, serial number I-5229, for withdrawal and reservation of lands was published as **Federal Register** Document No. 72-12324 on page 15944 of the issue for August 8, 1972. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 9:00 a.m. on September 13, 1982, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

Boise Meridian

Clearwater National Forest

T. 37 N., R. 14 E.
Sec. 33, N½NE¼NW¼, N½NW¼NW¼, SW¼NW¼NW¼, W½SE¼NW¼NW¼, W½SW¼NW¼, NW¼NE¼SW¼NW¼, S½NE¼SW¼NW¼, SE¼SW¼NW¼, S½NW¼SE¼NW¼, S½SE¼NW¼.

The area described aggregates 117.5 acres in Idaho County, Idaho

Eugene E. Babin,

Acting Chief, Lands Section.

[FR Doc. 82-21968 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

[INT FES 82-8]

San Gorgonio Wind Resource Study; Availability of Final Environmental Impact Statement/Environmental Impact Report

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability of the Final Environmental Impact Statement/ Environmental Impact Report (EIS/EIR).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and the California Environmental Quality Act, the BLM and Riverside County have prepared a final EIS/EIR on the proposed development of wind energy resources in the San Gorgonio Pass near Palm Springs, California.

SUPPLEMENTARY INFORMATION: The BLM and Riverside County have prepared a final EIS/EIR on the proposed development of wind energy resources on over a 175-square-mile area in the San Gorgonio Pass near Palm Springs, California. As a result of development, up to 4,000 megawatts of electrical power could be produced from public and private lands in the area.

The final EIS/EIR analyzes the cumulative impacts that could result from the development of large-scale wind energy conversion systems. The EIS/EIR examines a total of four development scenarios, including the no action alternative.

FOR FURTHER INFORMATION CONTACT: William D. Payne, California State Office, Bureau of Land Management, Division of Resources (C-930.16), 2800 Cottage Way, Sacramento, California 95825, (916) 484-4541.

A limited number of the final EIS/ EIRs are available upon request at the following offices:

Riverside County Planning Department, County Administrative Center, 4080 Lemon Street, 9th Floor, Riverside, California 92501

Bureau of Land Management, California State Office (930), 2800 Cottage Way, Sacramento, California 95825

Bureau of Land Management, Desert District Office, 1695 Spruce Street, Riverside, California 92507

Public reading copies are also available in Coachella Valley public libraries in the cities of Desert Hot Springs, Palm Springs, Indio, Cathedral City, Palm Desert, and Coachella.

Dated: August 5, 1982.

Ed Hastey,

State Director, Bureau of Land Management.

[FR Doc. 82-21966 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Call for Expression of Leasing Interest in Federal Coal in the Thunder Basin National Grasslands

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: This call for expression of interest, Phase III (Thunder Basin National Grasslands), is to integrate potential lessees' data and needs into the coal activity planning phase of the Federal coal management program in the Powder River Coal Production Region.

DATE: Responses to this notice may be received until September 11, 1982.

ADDRESSES: Responses to this call should be sent to each of the following addresses:

State Director (930), Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82001
and
Casper District Resource Evaluation, Minerals Management Service, 111 South Wolcott, Rm. 305, Casper, WY 82601

FOR FURTHER INFORMATION CONTACT:

J. Stan McKee, Bureau of Land Management (930), P.O. Box 1828, Cheyenne, WY 82001, 307-772-2413, or
Paul Arrasmith, District Manager, BLM, Casper District, 951 Rancho Road, Casper, WY 82601, 307-261-5101.

SUPPLEMENTARY INFORMATION: This notice is to advise all interested parties that the official call for expression of interest in Federal coal leasing, Phase III, is now in effect for possible lease sales beginning in March 1984. Phase III is part of a four phase call for expression of interest. The areas covered by the call are as follows:

Phase I—Western Powder River Review Area (BLM), Casper District, Wyoming.
Phase II—Recluse Review Area (BLM), Casper District, Wyoming.
Phase III—Thunder Basin National Grasslands (USFS), Thunder Basin Ranger District, Wyoming.
Phase IV—Powder River Planning Area (BLM), Miles City, Montana.

While the total situation and needs of the region should be considered, the responses submitted by September 11, 1982, should be for the Phase III portion only.

This call for expressions of interest is the first step in activity planning under the Federal coal management program. It is being made before any tract boundaries are delineated within an area found acceptable for further consideration for coal leasing through conducting the coal screening/planning process, including application of the coal unsuitability criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be offered for lease sale after they have been through the tract ranking, selection, scheduling, and analysis processes that are an integral part of the Federal coal management program defined in 43 CFR Subpart 3420.

Expressions of interest from small businesses and public bodies are actively invited in accordance with the provisions of 43 CFR 3420.1-4 which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses. Entities desiring special leasing opportunities as a public body should state their intentions in their expressions of leasing interest for possible public body set asides. Proof of public body status and evidence of qualifications as required by 43 CFR 3420.1-4(b)(1)(ii) shall be submitted with the expressions of interest.

A major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. The BLM hopes to gain sufficient information from this call, as well as from its own site specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tracts is of

approximately equal quality and tonnage to that shown in the expression of interest.

Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation, and State preferences and priorities.

These expressions of leasing interest should include the following data where applicable:

1. Quantity needs (total tonnage, average tons per year, and year during which production should commence) for both coal producers and users.

2. Quality needs (types and grades of coal) for both producers and users.

3. Coal reserve or drilling data that the company may have pertaining to the expression of interest area should be submitted to the Minerals Management Service (MMS). This request is made based on lack of total coal reserve data by the MMS at this time. Lack of reserve data may eliminate areas for tract delineation.

4. *Location:* a. Tracts desired by mining companies (narrative description with delineation on surface minerals management quad maps, available for purchase from the BLM State Office).

b. Public and private industry user facilities in region.

c. If no location is indicated, but other specified data are provided, the expression will be considered. In such cases the joint BLM/MMS delineation team will locate the tract.

5. *Type of mine:* a. Surface or underground.

b. Technique of mining (i.e., longwall, room and pillar, strip mining, etc.).

6. *Proposed uses of coal:* a. By mining companies.

b. By public and private industries.

7. Where coal is consumed (include extra-regional markets).

8. *Transportation needs (i.e., railroads, pipelines, etc.):* a. Existing facilities.

b. Proposed facilities and development timing.

9. *Available sources of coal:* a. Presently operative.

b. Contingency of other sources.

10. *Information relating to mineral ownership:* a. Information on surface owner consents previously granted, e.g., a description of the location of the property, whether consents are transferable, etc.

b. Commitments from fee coal owners or for associated non-Federal coal.

11. Special qualifications for public bodies requesting special leasing opportunities. These specific requirements are listed in 43 CFR 3471.1–5.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Paul D. Leonard,

Associate State Director.

[FR Doc. 82–21965 Filed 8–12–82; 8:45 am]

BILLING CODE 4310–84–M

[A–997]

Arizona; Partial Termination of Segregative Effect of Withdrawal Application

August 6, 1982.

Notice of application, serial number A–997, for withdrawal and reservation of lands was published as FR Doc. 67–8213, pages 10518 and 10519 of the July 18, 1967 issue. The applicant agency has cancelled its application insofar as it involves the land described below. Therefore, pursuant to the regulations contained in 43 CFR 2310–2–1(c) the land will be at 9:00 a.m., on September 20, 1982, relieved of the segregative effect on the above-mentioned application.

The land involved in this notice of termination is described as follows:

Gila and Salt River Meridian, Arizona

T. 6 N., R. 15 W.,
Sec. 8, E½E½.
The area described contains 160 acres in Yuma County.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–22025 Filed 8–12–82; 8:45 am]

BILLING CODE 4310–84–M

[CA 12705]

California; Bodie, Mono-Long Valley, Saline Valley, and Salton Sea KGRA's; Geothermal Resources Lease Sale

Notice is hereby given that approximately 640 acres in Bodie, 84,731.02 acres in Mono-Long Valley, 3,199.48 acres in Saline Valley, and 19,400.90 acres in Salton Sea, in Mono, Inyo, and Imperial Counties, California, will be offered competitively for lease under the Geothermal Steam Act of 1970 through sealed bids to the qualified responsible bidder of the highest cash amount per parcel. Bids will be received until 10:00 a.m. on September 21, 1982.

For further information contact the California State Office, Division of Operations, Room E–2605, 2800 Cottage Way, Sacramento, California 95825, (916) 484–4492.

Dated: August 5, 1982.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–22024 Filed 8–12–82; 8:45 am]

BILLING CODE 4310–84–M

California Desert District Multiple Use Advisory Council; Call for Nominations

The purpose of this notice is to call for nominations for five memberships on that Council.

The Council has 15 members, five of which whose terms will terminate December 31, 1982. The members are appointment by the Secretary of the Interior to advise the California Desert District Manager, on Bureau of Land Management issues associated with public land management. The Council meets normally four times a year to gather and analyze information, conduct studies and field examinations, hear public testimony ascertain facts, and, in an advisory capacity, develop recommendations for the District Manager concerning use, classification, retention, disposal, or other aspects of public lands planning and management in the public interest.

One third of the Council members terms expire each year. The catagories of interest for the five expiring terms include renewable resources, public-at-large and environmental protection. The five members will be appointed to three year terms. At the discretion of the Secretary of the Interior, or his designee, members may be reappointed to additional terms, but not to exceed a total of six years.

To be eligible for appointment to the Council, a person must be qualified through education, training, knowledge, or experience to give informed advice from a public interest perspective regarding at least one of the following interest categories: renewable resources; non-renewable resources; recreation; environmental protection; transportation/rights-of-way, or occupancy issues; wildlife; and public-at-large.

All members will serve without salary, but will be reimbursed for travel and per diem expenses at current rates for Government employees. Establishment of this advisory council is in accordance with th Federal Land Policy and Management Act of 1976 (Pub. L. 94–579; 43 U.S.C. 1701 et seq.), as amended.

Persons wishing to nominate individuals to serve on the California

Desert District Advisory Council should send the nominee's name, address, profession and other biographic data to: District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507, no later than October 15, 1982.

Dated: August 5, 1982.

Gerald E. Hillier,

District Manager.

[FR Doc. 82-22023 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

[Exchange Ca 13038]

California Mendocino County; Realty Action

August 6, 1982.

The following described public land has been determined to be suitable for disposal under the provisions of Pub. L. 94-579, the Federal Land Policy and Management Act of 1976, Sec. 206 (90 Stat. 2756).

Mount Diablo Meridian

T. 24 N., R. 16 W.,
Sec. 6, W½SE¼;
Sec. 7, S½NE¼.
T. 24 N., R. 17 W.,
Sec. 13, S½NE¼;
Sec. 14, S½NE¼.
Containing 320.0 acres.

Coombs Tree Farms, Inc., P.O. Box 55, Garberville, California 95440, has applied to acquire the above described lands in exchange for the following described privately owned lands.

Mount Diablo Meridian

T. 23 N., R. 17 W.,
Sec. 2, Lots 1, 2, 3, 4, 7, 8, 9, 10 and 15, NW¼SE¼.
T. 24 N., R. 17 W.,
Sec. 35, E½;
Sec. 32, All.

Humboldt Meridian

T. 5 S., R. 5 E.,
Sec. 33, SE¼NE¼;
Sec. 34, SW¼NW¼, N½SW¼;
Sec. 36, NE¼, SE¼NW¼, E½SE¼;
Containing 1,084.14 acres.

A mineral evaluation has been requested on the public land. If any minerals are identified, a reservation of identified minerals will be made to the United States. If no minerals are identified, the mineral estates of the public lands will be conveyed with the surface. The mineral estate of the privately owned lands will be conveyed with the surface, unless previously reserved.

The publication of this notice in the **Federal Register** shall segregate the applied for public lands from all other forms of appropriation under the public land laws, including the mining laws, for a period of two years. The exchange is expected to be consummated before the end of that period.

The value of the lands to be exchanged is approximately equal and money will be used to equalize the values upon completion of the final appraisal of the lands.

There will be reserved to the United States in the applied for lands, a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945).

The purpose of the exchange is to acquire non-Federal lands to consolidate public land ownership for more effective management in the Red Mountain planning Unit. The exchange is in conformance with Bureau Planning, and in the public interest.

Detailed information concerning the exchange, including the environmental analysis and the record of non-Federal participation, is available for review at the Eureka Resource Area Office, BLM, 1585 J Street, P.O. Box II, Arcata, California 95521.

For a period of 45 days from the first publication of this notice interested parties may submit comments to the California State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the California State Director, who may vacate or modify this realty action and issue a final determination. In the absence of a vacation or modification this realty action will become the final determination of the Bureau.

Harold R. Dietz,

Acting Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 82-22031 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

[Group 643]

California; Filing of Plat of Survey

August 4, 1982.

1. These plats of survey of the following described land accepted July 21, 1982, will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diabl Meridian, California

T. 27 S., R. 32 E.,
Sec. 12
T. 27 S., R. 33 E.,
Secs. 1 through 3, Secs. 19, 20;
Secs. 5 through 7, Secs. 23 through 25;
Sec. 9, Sec. 33;
Secs. 14, 15;
Sec. 17.

2. These plats, in five sheets, representing the dependent resurvey of a portion of the south, east, west, and north boundaries, a portion of the subdivisional lines, certain mineral surveys, and the survey of the subdivision of sections 1, 2, 3, 5, 6, 7, 9, 14, 15, 17, 19, 20, 23, 24, 25, and 33, Township 27 South, Range 33 East, Mount Diablo Meridian, and the plat representing the dependent resurvey of a portion of the subdivisional lines, certain boundaries of mineral surveys, and the survey of the subdivision of section 12, Township 27 South, Range 32 East, Mount Diablo Meridian.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open file and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Data Management Section.

[FR Doc. 22030 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

[Group 732]

California; Filing of Plat of Survey

August 4, 1982.

1. A plat of survey of the following described land accepted July 20, 1982, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on September 27, 1982.

San Bernardino Meridian, California

T. 9 S., R. 1 E.
Sec. 2
Sec. 3

2. This plat representing the dependent resurvey of the Second Standard Parallel South, the section line between sections 2 and 3, and the north 20 chains of the north and south center line of section 3, and the completion survey and subdivision of section 3, Township 9 South, Range 1 East, San Bernardino Meridian.

3. The plat will become the basic record for describing the land for all authorized purposes at and after 10:00 am of the above date. Until this date and time, the plat has been placed in the

open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau and the Bureau of Indian Affairs.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief Records and Data Management Section.

[FR Doc 82-22029 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Montrose District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Montrose District Grazing Advisory Board will be held on September 15, 1982. The meeting will convene at 10:00 a.m. in the conference room of the Bureau of Land Management Office, 2465 South Townsend, Montrose, Colorado.

The agenda for the meeting will include: (1) A status report on the Gunnison Basin ES implementation effort; (2) a report on the FY 83 Annual Work Plan concerning Project Construction and Maintenance; (3) briefings on important Rangelend policies affecting the Bureau; (4) the expenditure of Advisory Board funds for Range improvements; and (5) the arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 10:00 a.m. and 11:00 a.m. on September 15, 1982, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81402, by September 10, 1982. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

Marlyn V. Jones,

District Manager.

[FR Doc. 22018 Filed 8-12-82; 8:45 pm]

BILLING CODE 4310-84-M

[ES 30502, Survey Group 78]

Michigan; Filing of Plat of Survey

1. On November 19, 1981, the plat representing a survey of five islands on Potagannissing Bay, which were omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on (90 days from date of publication).

The tracts shown below describe the islands omitted from the original survey.

Michigan Meridian, Michigan

T. 43 N., R. 6 E.,
Tract Nos. 37, 38, 39, 40, and 41.

2. The character of the island tracts 37 through 41 is separate and distinct yet similar in all respects to that of the adjacent surveyed lands.

a. The island Tract No. 37 rises approximately 4 feet above the ordinary high water mark of Potagannissing Bay. Timber consists of birch, cedar, cottonwood, and tamarack, with undergrowth of alder.

b. The island Tract No. 38 rises approximately 4 feet above the ordinary high water mark of Potagannissing Bay. Timber consists of cedar, spruce, aspen, and birch.

c. The Tract No. 39 rises approximately 3 feet above the ordinary high water mark of Potagannissing Bay. Timber consists of cedar, birch, and aspen with undergrowth of willow and dogwood.

d. The island Tract No. 40 rises approximately 3 feet above the ordinary high water mark of Potagannissing Bay. Timber consists of cedar, spruce, birch, and aspen.

e. The island Tract No. 41 rises approximately 4 feet above the ordinary high water mark of Potagannissing Bay. Timber consists of cedar, fir, maple, birch, and aspen.

3. The islands described above are composed of a thin layer of humus over a base of stones and large boulders.

4. The island Tracts 37 through 41 were found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

5. 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.

6. 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 (90 days from date of publication).

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82-22016 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

[M 55204]

Montana; Realty Action, Modified Competitive Sale of Public Land in Treasure County, Montana

August 2, 1982.

The following described lands have been examined and identified as suitable for disposal by sale pursuant to Sec. 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than the fair market value:

Principal Meridian

T. 6 N., R. 35 E.,
Sec. 30, lot 6.

The area described contains 4.59 acres.

The land will be offered for sale utilizing modified competitive bidding procedures. The bidding is limited to the adjoining landowners, Mr. Arthur Lusk and Mr. and Mrs. Redland, and the State of Montana, who may or may not have an interest in the adjoining land. The land will not be sold for less than the appraised market value of $3,300.

The subject land is located in the southeastern part of Montana, approximately 8 air miles southwest of Hysham, the county seat of Treasure County, and 6 air miles north of Interstate 94. The land has limited resource values and no unique values. There are no rare, endangered, threatened or sensitive plants and animals, and it is not within a potential wilderness area or an area of critical environmental concern.

The land is isolated with no legal access by the general public and is totally surrounded by private land. In addition, the proposed sale will resolve unauthorized haying and grazing use of the land which has existed for many years.

The proposed sale meets the criteria of Sec. 204 of FLPMA since the tract is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another federal agency. The disposal is consistent with the Bureau's planning system, and Treasure County government officials have been notified of the proposed sale.

The terms and conditions applicable to the sale are as follows:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine, and remove them under applicable law and regulations;

2. A right-of-way for ditches and canals will be reserved to the United States; and

3. The sale of these lands will be subject to all valid existing rights and reservations of record.

Detailed information concerning the sale, including the planning documents, environmental assessment, and the record of public discussions, is available for review at the Miles City District Office, West of Miles City, P.O. Box 940, Miles City, Montana 59301.

The modified competitive sale of the above-described land in Treasure County will be held at the Montana State Office, 222 North 32nd Street, Billings, Montana, on Monday, *October 25, 1982.*

Bidding Information and Instructions

Limited Bidding Provisions: The bidding is limited to the adjoining landowners, Mr. Arthur Lusk and Mr. and Mrs. Ole Redland, and the State of Montana, who may not have an interest in the adjoining land.

Bidder Qualifications: The Federal Land Policy and Management Act requires that bidders be U.S. citizens. Bids must be made by the principal or his agent.

Bid Standards: No bid will be accepted for less than the appraised value of $3,300, and bids must include all of the land identified in this sale notice.

Method of Bidding: The land will be sold by a combination of sealed bidding and oral bidding. Sealed bids delivered or sent by mail will be considered only if received by the Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107, prior to 10 a.m. on October 25, 1982. Each bid must be in a sealed envelope accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed bid envelope must be marked in the lower left-hand corner as follows:

Public Land Sale M 55204
October 25, 1982

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest qualifying sealed bid shall then be publicly declared.

The proceedings shall then be opened to oral bidding. The bidding shall begin at the amount of the highest qualifying sealed bid and proceed in minimum $100 increments. After the oral bids, if any, are received, the highest qualifying bid, whether sealed or oral, shall be declared by the authorized officer.

Final Details: The person declared to have entered the highest qualifying oral bid shall submit payment by cash, personal check, bank draft, money order, or any combination for not less than one-fifth of the amount of the bid immediately following the close of the sale. The successful bidder shall submit the remainder of the full bid price prior to the expiration of 30 days from the date of the sale. Failure to submit the full bid price prior to the 30th day shall result in cancellation of the sale, and the deposit will be forfeited.

All bids will be either returned, accepted or rejected within 30 days of the sale date.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

Michael Penfold,

State Director.

[FR Doc. 82-22017 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 4189]

Oregon; Partial Termination of Classification for Multiple Use Management

1. By order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on July 15, 1969 (34 FR 12294), approximately 56,770.00 acres of public lands under the jurisdiction of the Bureau of Land Management were classsified or proposed for classification for multiple use management pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR 2460. The lands are located in Grant and Malheur Counties, Oregon.

2. Pursuant to 43 CFR 2461.3(c)(2), the classification is partially terminated as to the lands located in the Northern Malheur Resource Area (aggregating approximately 35,950.00 acres) upon publication of this notice in the **Federal Register.**

3. At 9:30 a.m. on September 20, 1982, the lands referred to in paragraph 2 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:30 a.m., on September 20, 1982, will be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands referred to in paragraph 2 have been and continue to be open to location under United States mining laws and to applications and offers under mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: August 6, 1982.

Robert D. Hostetter,

Acting Associate State Director.

[FR Doc. 82-22019 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

[ORE 017370]

Oregon; Termination of Proposed Withdrawal and Reservation of Lands

Notice of Bureau of Land Management, U.S. Department of the Interior, application ORE 017370 for withdrawal and reservation of lands was published as FR Doc. 66–640 on page 768 of the issue of January 20, 1966. The purpose of the withdrawal was to protect the scientific and public recreation values of the Jordon Crater Area, and the following described lands were temporarily segregated from all forms of appropriation under the public land laws, including the mining laws:

Willamette Meridian

Jordan Crater Lava Flows

T. 27 S., R. 43 E.,
Secs. 32 to 36, inclusive.
T. 28 S., R. 43 E.,
Secs. 1, 2, and 3;
Sec. 4, Lots 1, 2, and 4, S½N½, S½;
Secs. 5, 8, 9, 10, and 11;
Sec. 12, W½, SW¼SE¼;
Secs. 13, 14, 15 and 17;
Sec. 20, N½, W½SW¼, SE¼SW¼, SW¼SE¼, E½SE¼;
Secs. 21 to 29, inclusive, and 32, 33, 34, and 35.
T. 29 S., R. 43 E.,
Secs. 1 to 5, inclusive.
T. 27 S., R. 44 E.,
Sec. 31, Lots 1, 2, 3, and 4, W½E½, E½W½.
T. 28 S., R. 44 E.,
Sec. 18, Lots 3 and 4, SE¼SW¼, SE¼SE¼;

Sec. 19;
Sec. 20, S½SW¼;
Sec. 21, W½SW¼;
Sec. 26, Lots 5 and 6;
Secs. 27 to 35, inclusive.
T. 29 S., R. 44 E.,
Sec. 2, Lots 1, 2, 3, and 4, S½N½, N½SW¼, SE¼;
Secs. 3 and 4;
Sec. 5, Lots 1, 2, 3, and 4, S½N½, N½SW¼, E½SE¼;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, and 7, S½NE¼, SE¼NW¼;
Sec. 7;
Sec. 8, S½NE¼, W¼, SE¼;
Sec. 9, W½, W½SE¼;
Sec. 16, W½NE¼, E½NW¼, SW¼SW¼, SW¼SE¼;
Sec. 17.

The areas described aggregate 35,629.70 acres in Malheur County, Oregon.

The Bureau of Land Management has cancelled the application in its entirety; therefore, pursuant to the regulations contained in 43 CFR 2310. 2–1(c), the lands will be open, except as provided below, to operation of the public land laws, including the United States mining laws at 9:30 a.m., on September 20, 1982.

The lands remain segregated from appropriation under the agricultural land laws (43 U.S.C. Ch. 9; 25 U.S.C. 334) by multiple-use retention classification OR 1565.

Dated: August 6, 1982.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-22021 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 9041; OR 22432(WASH)]

Oregon and Washington Proposed Continuation or Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of April 17, 1926, be continued in its entirety for a 20-year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714. The following described lands are included in the withdrawal:

Willamette Meridian

Public Water Reserve No. 107

Every smallest legal subdivision of the public-land surveys which is vacant unappropriated unreserved public land in Oregon and Washington and contains a spring or waterhole, and all land within one quarter of a mile of every spring or water hole located on unsurveyed public land in Oregon and Washington, except those portions of Oregon and Washington located west of the divide of the Cascade Mountain Range, and except where otherwise revoked.

The areas described include more than 500 separate sites and more than 20,000 acres in Oregon and Washington.

The purpose of the withdrawal is to protect the existing permanent water sources identified as Public Water Reserve No. 107 for use by the public for watering purposes. The lands involved are currently segregated from operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws. The lands have been and would continue to be open to metalliferous mineral location under the mining laws and to applications and offers under the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal, except to open the lands to nonmetalliferous mineral location under the mining laws.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before September 20, 1982. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before September 20, 1982.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: August 6, 1982.

Harold A. Berends,

Chief, Bureau of Lands and Minerals Operations.

[FR Doc. 82-22020 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

[ORE-012693]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Public Land Order No. 5490 of February 12, 1975, be continued in its entirety for a 20-year period, pursuant to Section 204 of the Federal land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714. The following described lands are included in the withdrawal:

Willamette Meridian

All public lands in and west of Range 8 East and all lands within that area which hereinafter become public lands, except for revested Oregon and California Railroads Grant Lands, reconveyed Coos Bay Wagon Road Lands, and acquired lands.

The areas described aggregate, after making the aforesaid exceptions, approximately 243,000 acres in Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Jackson, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Yamhill, and Washington Counties, Oregon.

The purpose of the withdrawal is to reserve the lands involved for multiple use management, including sustained yield of forest resources in connection with the intermingled revested Oregon and California Railroad Grant Lands and reconveyed Coos Bay Wagon Road Lands. The lands are currently segregated from all forms of appropriation under the agricultural land laws (43 U.S.C. Ch. 9; 25 U.S.C. 334). Subject to the provisions of other existing withdrawals, the lands have been and would continue to be open to operation of all other public land laws, including the mining laws and mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be

heard on the proposal must submit a written request for a hearing to the undersigned on or before September 19, 1982. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before September 19, 1982.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: August 4, 1982.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-22027 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

[U-51116, U-51353]

Utah; Order Providing for Opening of Lands

1. In an exchange of lands under the provisions of Section 206 of the Act of October 21, 1976, the following described lands have been reconveyed to the United States:

Salt Lake Meridian, Utah

T. 40 S., R. 16 W., (U-51353) Surface Only,
Sec. 32, NW¼SW¼.

T. 42 S., R. 18 W., (U-51116) Surface and Minerals,
Sec. 26, S½NE¼, N½SE¼; Excepting therefrom.

(1) A tract of land situated in the Southeast Quarter of Section 26, Township 42 South, Range 18 West, Salt Lake Base and Meridian, beginning at a concrete monument which is located so that it marks a point South 3°9′ West 409 and 3/10 feet from the Northeast Corner of the Southeast Quarter of said Section 26; thence South 208.71 feet to a concrete monument; thence West 208.71 feet to a concrete monument; thence North 208.71 feet to a concrete monument; thence East 208.71 feet to the point of beginning. (2) A tract of land described as follows: from the Northeast Corner of the Southeast Quarter of Section 26, Township 42 South, Range 18 West, Salt Lake Base and Meridian, proceed on a bearing of South 43°9′50″ West a distance of 437.85 feet to the true point of beginning, thence North 46°11′30″ West 208.71 feet; thence South 43° 48′ 30″ West 208.71 feet, thence South 46°11′30″ East 208.71 feet; thence North 43°48′30″ East 208.71 feet to the true point of beginning.

Aggregating 198.00 acres.

2. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands decribed in paragraph 1 are hereby open to operation of the public land laws generally. All valid applications received at or prior to 10:00 a.m. on September 7, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands listed in paragraph 1 under U-51116, (the minerals were also reconveyed) are hereby open to location under the mining laws Ch. 2, 30 U.S.C., and to leasing under the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. on September 7, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Date: Signed August 3, 1982.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-22026 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

Utah; National Public Lands Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the National Public Lands Advisory Council.

SUMMARY: Notice is hereby given that the National Public Lands Advisory Council will meet September 13–15, 1982. The meeting will be held at the Hotel Utah, Main and South Temple Streets, Salt Lake City, Utah. The Monday, September 13 meeting will begin at 8:00 a.m. with subcommittee working sessions; the full Council will meet from 10:30 a.m. until noon. Members will then participate in a day-and-a-half field tour of rangeland and energy development sites in the northern Utah and Evanston, Wyoming areas. On Wednesday, September 15, the meeting will resume in Salt Lake City at the Hotel Utah; the hours will be 8:00 a.m. to 3:00 p.m. The proposed agenda for the meeting is:

Monday, September 13: (1) Subcommittee working sessions; (2) Report of subcommittees to full Council; (3) Update on previous Council resolutions; and (4) Setting of dates and locations for future meetings.

Wednesday, September 15: (1) Address by Department of the Interior's Assistant Secretary for Land and Water Resources, Garrey Carruthers; (2) Council discussion of issues raised during field tour of rangeland and energy development sites; (3) Status report on the Endangered Species Act; (4) Passing of Council resolutions; and (5) Public statements.

Because of transportation and other logistical limitations, the field tour on September 13 and 14 will be limited to Council members and accompanying government representatives.

All meetings of the Council will be open to the public. Opportunity will be provided for members of the public to make oral statements to the Council, from 2:00 to 3:00 p.m., Wednesday, September 15, regarding topics on the meeting agenda. Written summaries of oral presentations should be submitted to the Council. Depending on the number of people who wish to speak, it may be necessary to limit the length of oral presentations. Written statements

alone may also be filed with the Council.

DATES: September 13 and 15, 1982—Council meeting. September 15—Public Statements.

ADDRESS: Copies of public statements may be mailed in advance of the meeting to: National Public Lands Advisory Council, c/o Director (150), Bureau of Land Management, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Karen Slater, BLM's Washington Office (150), telephone (202) 343–2054.

SUPPLEMENTARY INFORMATION: The Council advises the Secretary of the Interior, through the Director, Bureau of Land Management, regarding implementation of the Federal Land Policy and Management Act of 1976, (45 U.S.C. 1701 et. seq.) as well as on policies and programs of a national scope related to public lands and resources under the jurisdiction of the Bureau.

Dated: August 9, 1982.

James M. Parker,

Associate Director.

[FR Doc. 82–22022 Filed 8–12–82; 8:45 am]

BILLING CODE 4310–84–M

Wyoming; Call for Expression of Leasing Interest in Coal

AGENCY: Bureau of Land Management (BLM), Interior.

SUMMARY: This call for expression of interest, Phase II (Recluse Review Area), is to integrate potential lessees' data and needs into the coal activity planning phase of the federal coal management program in the Powder river Coal Production Region.

DATE: August 13, 1982.

ADDRESS: Responses should be sent to: State Director (930) Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82001 District Resource Evaluation, Minerals Management Service, 111 So. Wolcott, Room 305, Casper, WY 82601.

FOR FURTHER INFORMATION CONTACT:

J. Stan McKee, Bureau of Land management (930), P.O. Box 1828, Cheyenne, WY 82001 (307) 772–2413.

Chulk Wilkie, Team Leader, Casper District, Bureau of Land Management, 951 Rancho Road, Casper, WY 82601 (307) 261–5597.

SUPPLEMENTARY INFORMATION: This notice is to advise all interested parties that the official call for expression of interest in federal coal leasing, Phase II, is now in effect for possible lease sales beginning in March, 1984. Phase II is part of a four phase call for expression of interest. The areas covered by the call are as follows:

Phase I, Western Powder River Review Area (BLM), Casper District, Wyoming (expression period closed February 22, 1982);

Phase II, Recluse Review Area (BLM), Casper District, Wyoming;

Phase III, Thunder Basin Renger District, (USFS) Wyoming;

Phase IV, Powder River Planning Area (BLM), Miles City District, Montana (expression period now open).

While the total situation and needs of the region should be considered, the responses submitted within 30 days of this notice, should be for the Phase II portion only.

This call for expressions of interest is the first step in activity planning under the federal coal management program. It is being made before any trace boundaries are delineated within an area found acceptable for further consideration for coal leasing through conducting the coal screening/planning process, including application of the coal unsuitability criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be offered for lease sale after they have been through the tract ranking, selection, and analysis processes that are an integral part of the federal coal management program defined in 43 CFR Subpart 3420.

Expressions of interest from small businesses and public bodies are actively invited in accordance with the provisions of 43 CFR 3420.1–3, which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses. Entities desiring special leasing opportunities as a public body should state their intentions in their expressions of leasing interest for possible public body set aside. Proof of public body status and evidence of qualifications as reqiured by 43 CFR 3420.1–3(b)(1)(ii) shall be submitted with the expressions of interest.

A major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. The BLM hopes to gain sufficient information from this call, as well as from its own site specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tracts is of approximately equal quality and tonnage to that shown in the expression interest.

Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation, state preferences and priorities.

These expressions of leasing interest should include the following data where applicable:

1. Quantity needs (tonnage, average tons per year, and year during which production should commence) for both coal producers and users.

2. Quality needs (types and grades of coal) for both producers and users.

3. Coal reserve or drilling data that the company may have pertaining to the expression of interest area should be submitted to the Minerals Management Service. This request is made based on lack of total coal reserve data by the MMS at this time. lack of reserve data may eliminate areas for tract delineation.

4. Location:

a. Tracts desired by mining companies (narrative description with delineation on surface minerals management quad map, available for purchase from the BLM State Office).

b. Public and private industry user facilities in region.

c. If no location is indicated, but other specified data are provided, the expression will be considered. In such cases the joint BLM/MMS delineation team will locate the tract.

5. Type of mine:

a. Surface or underground.

b. Technique of mining (i.e., longwall, room and pillar, strip mining, etc.).

6. Proposed uses of coal:

a. By mining companies.

b. By public and private industries.

7. Where coal is consumed (include extra-regional markets).

8. Transportation needs (i.e., railroads, pipelines, etc.):

a. Existing facilities.

b. Proposed facilities and development timing.

9. Available sources of coal:

a. Presently operative.

b. Contingency of other sources.

10. Information relating to mineral ownership:

a. Information on surface owner consents previously granted, e.g., a description of the location of the

property, whether consents are transferable, etc.

b. Commitments from fee coal owners or for associated nonfederal coal.

11. Special qualifications for public bodies requesting special leasing opportunities. These specific requirements are listed in 43 CFR 3472.1–1.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Paul Arrasmith,

District Manager.

[FR Doc. 82–22028 Filed 8–12–82; 8:45 am]

BILLING CODE 4310–84–M

Arizona; Intent To Prepare an Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: Notice is hereby given in accordance with 40 CFR 1508.22 that the Safford District is starting the preparation of an EIS. The purpose of the EIS is to develop recommendations on the suitability of nine Wilderness Study Areas (WSAs) for inclusion in the National Wilderness Preservation System. Completion of the EIS will be an important step in amending the District's Management Framework Plans (MFPs). The WSAs under consideration are located in Cochise, Gila, Graham, and Greenlee Counties, Arizona and Hidalgo County, New Mexico. The WSAs total 133,611 acres and are identified as:

WSA	Name	Acres
AZ–4–1A	Needle's Eye	9,485
AZ–4–8	Black Rock	8,492
AZ–4–14	Fishhooks	15,013
AZ–4–16	Day Mine	16,629
AZ–4–22/23/24 (A)	Gila Box	[1]19,622
AZ–4–22/23/24 (B)	Turtle Mountain	17,422
AZ–4–48	Javelina Peak	17,870
AZ–4–60	Peloncillo Mountains	12,317
AZ–4–65	Happy Camp Canyon	16,761
Total		133,611

[1] Includes 6,152 acres under appeal to IBLA. The WSA's acreage total may change when IBLA makes their decision.

SUPPLEMENTARY INFORMATION: Scoping was conducted early in the wilderness study process and updated in preparation for the EIS. The issues addressed in the MFP amendments, and those to be analyzed in the EIS, were identified by the Inter-Disciplinary Team and received from the public through letters and workshops. Issues identified during the scoping periods include the following:

1. Will the area add to the diversity of the National Wilderness Preservation System?
2. What is the quality of the wilderness resource?
3. How would a wilderness designation affect local, state, and regional socio-economic conditions?
4. Can the area be effectively managed to preserve its wilderness values?
5. How would a wilderness designation in the Gila Box WSA affect flood control on the Gila and San Francisco Rivers?
6. How would a wilderness designation affect the potential for development of energy and mineral resources?
7. How would a wilderness designation affect range management?
8. How would a wilderness designation affect wildlife management?
9. How would a wilderness designation affect recreational uses?
10. How would a wilderness designation affect the management of other activities?
11. How will non-designation of an area affect its wilderness values?

A full range of alternatives will be addressed in the EIS. They include all wilderness, no wildernes (no action), and four partial wilderness alternatives. An inter-disciplinary team will evaluate these alternatives in the EIS.

The draft EIS is scheduled for publication in March, 1983. A notice of availability will be published in the **Federal Register** and publicized through the media.

FOR FURTHER INFORMATION CONTACT: All inquiries on the EIS and WSAs involved should be directed to Steve Knox, EIS Team Leader, Bureau of Land Management, 425 East 4th Street, Safford, Arizona 85546, or phone (602) 428–4040.

Dated: August 3, 1982.

Tom Allen,

Acting State Director.

[FR Doc. 82–21995 Filed 8–12–82; 8:45 am]

BILLING CODE 4310–84–M

[Survey Group 671]

Colorado; Filing of Plat of Survey

August 4, 1982.

Plat of survey of the following described land accepted June 8, 1982 will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado effective September 30, 1982.

Sixth Principal Meridian

T. 7 S., R. 79 W.

This plat, in five sheets, represents the dependent resurvey of a portion of the subdivisional lines, certain mineral surveys, the survey of a portion of the subdivisional lines, and the subdivision of certain sections.

This survey was executed to meet certain administrative needs of the U.S. Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Harold R. Martin,

Chief, Division of Operations.

[FR Doc. 82–21996 Filed 8–12–82; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. I–18481]

Idaho; Conveyance of Public Land; Madison County

August 4, 1982.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), the following-described public lands have been sold by direct sale to Mel D. Freeman, 1475 Borah Avenue, Idaho Falls, Idaho 83401.

Boise Meridian, Idaho

T. 6 N., R. 39 E.
Sec. 31, lot 9.
Comprising 12.59 acres.

The land is surrounded by Mr. Freeman's deeded land and there is no legal or physical access except on the west side where the land borders on the Snake River. The location and physical characteristics make it difficult and uneconomic to manage as public land. The public interest was well served through completion of the sale. The fair market value of the land was appraised at $600.00 and payment of this amount was received by the United States.

Louis B. Bellesi,

Chief, Division of Operations.

[FR Doc. 82–21998 Filed 8–12–82; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. I–16997]

Idaho; Termination of Proposed Withdrawal and Reservation of Lands

August 4, 1982.

Notice of an application, serial number I–16997, for withdrawal and reservation of lands was published as FR Document No. 80–39691 on page 84156 of the issue for December 22, 1980. The applicant agency has cancelled its

application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 9:00 a.m. on September 9, 1982, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

The boundaries are shown upon the BLM map entitled Boise District Agricultural Environmental Statement, dated November 17, 1980, filed in the Boise District Office, Idaho State Office and the Washington Office.

The area described aggregates 439,250 acres in Owyhee, Ada and Elmore Counties.

Eugene E. Babin,

Acting Chief, Lands Section.

[FR Doc. 82-21997 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

[UT-910-4310-84]

Utah; Uintah Basin Synfuels Development

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the Draft Environmental Impact Statement (DEIS).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM has prepared a DEIS on nine synfuels projects proposed for the Uintah Basin of northeastern Utah. Site-specific impact analyses are presented for five projects, including their alternatives, proposed to begin construction within the next two years. These projects are the Enercor Rainbow Project, Magic Circle Cottonwood Wash Project, Paraho-Ute Project, Syntana-Utah Project, and Tosco Sand Wash Project. A regional cumulative analysis is also presented. It considers the cumulative impacts of the five site-specific projects, four more conceptual projects (Enercor-Mono Power P.R. Springs Project, Geokinetics Lofreco and Agency Draw Projects, and Sohio Asphalt Ridge Tar Sand Project), plus interrelated projects planned for development in the Uintah Basin during the analysis period.

This DEIS may result in amendments to the Bonanza, Book Cliffs, Hill Creek, and Rainbow Management Framework Plans.

A limited number of the draft statements are available upon request at the following offices: Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111: Vernal District Office, 170 South 500 East, Vernal, Utah 84078. Public reading copies are also available in public libraries in the Uintah Basin Region, Salt Lake City, and Denver.

Public meetings to receive oral and/or written comments on the proposed project will be held at 7:00 p.m. at the following locations:

September 21, 1982, Circuit Court Room, Uintah County Courthouse, 147 East Main Street, Vernal, Utah

September 22, 1982, Court Room, Rangely Town Hall, 209 East Main Street, Rangely, Colorado

September 23, 1982, Salt Palace, Room 220, Salt Lake City, Utah

Comments will be accepted until October 19, 1982 and should be sent to Lloyd Ferguson, BLM Vernal District Manager, 170 South 500 East, Vernal, Utah 84078.

FOR FURTHER INFORMATION CONTACT: Bob Pizel, Project Leader, EIS Services, Bureau of Land Management, Third Floor East, 555 Zang Street, Denver, Colorado 80228. (303) 234-6737.

Dated: August 5, 1982.

Roland G. Robison,

State Director.

[FR Doc. 82-21992 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-84-M

Intent To Prepare, an Environmental Impact Statement and Hold Public Meetings; Ferris Mountain and Adobe Town Wilderness Study Areas

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Prepare an environmental impact statement (EIS) and hold a public scoping meeting on the Ferris Mountain and Adobe Town Wilderness Study Areas (WSAs). The Ferris Mountain WSA is located in northwestern Carbon County and the Adobe Town WSA is located in southeastern Sweetwater County.

SUMMARY: This notice describes the action to be analyzed in the EIS; the geographic area that would be affected; the preliminary list of issues and concerns; the scoping process to be used; the locations of offices which have information available for public review both during and at the completion of the process; and the BLM contact for further information.

SUPPLEMENTARY INFORMATION: The action to be analyzed in the EIS consists of the designation or nondesignation as wilderness of two WSAs, the Ferris Mountains WY-030-407 and Adobe Town WY-030-401 and WY-040-408. This action is required by the Federal Land Policy and Management Act of 1976 (FLPMA)

GEOGRAPHIC AREA: The geographic area to be analyzed includes lands in and immediately adjacent to the WSAs. The Ferris Mountain WSA includes 20,495 acres and is located in northwestern Carbon County, Wyoming about 35 miles north of Rawlings, Wyoming. The Adobe Town area consists of 85,710 acres and is located about 50 miles southeast of Rock Springs, Wyoming in Sweetwater County. A part of the analysis will be regional in nature and will include wilderness lands within a 250 mile radius of each WSA.

ISSUES AND CONCERNS: Important issues and concerns which have been identified to date include:

1. Potential impacts to wilderness resources due to nondesignation of the WSAs as wilderness.

2. Potential socioeconomic impacts:

—The impact of designation of Adobe Town as wilderness on income, employment and county tax revenues in the local area.

—The loss of natural gas production from Adobe Town due to designation of the area as wilderness.

—The impact of wilderness designation on the livestock operations in and adjacent to the Ferris Mountain WSA.

—Potential impacts to the life-style of family ranch operations headquartered near both of the WSAs.

The public is encouraged to present their ideas on these and other isues and concerns related to either of the two WSAs to the BLM. All issues and concerns will be considered in preparation of the EIS.

DATES: A public scoping meeting will be held on September 15, 1982, in the Rawlings District office, 1300 Third Street, Rawlins, Wyoming 82301, at 7 p.m., for the purpose of identifying issues and concerns for the EIS.

ADDRESSES: Information and materials providing a description of the project are available for review at the following location: U.S. Department of the Interior, Bureau of Land Management, 1300 Third Street, Rawlings, WY 83201.

In addition, copies of a public scoping document will be available after September 1, 1982, and can be obtained by writing to the following address: District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, WY 82301.

Any person wishing to submit any issues, suggestions, or alternatives to the proposed action should send these to the office listed above, such written scoping input should be received no

later than September 15, 1982, in order to be considered in determining the scope of the EIS.

FOR FURTHER INFORMATION CONTACT: Gary D. Long or Bob Tigner, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, WY 82301, (307) 324–7171.

All attendees of the public scoping meeting will be given an opportunity to participate and raise issues for consideration in the EIS. In addition, if any person wishes to raise issues for consideration at any time during the EIS process, they should contact the following office: Gary D. Long or Bob Tigner, Bureau of Land Mangement, P.O. Box 670, 1300 Third Street, Rawlins, WY 82301, (307) 324–7171.

David J. Walter,

District Manager.

[FR Doc. 82–21994 Filed 8–12–82; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Gulf Oil

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it purposes to conduct on Lease OCS–G 3177, Block 163, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Date: August 6, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–22049 Filed 8–12–82; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Kerr-McGee Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Kerr-McGee Corporation, Unit Operator of the Ship Shoal Block 28 Federal Unit Agreement No. 14–08–001–2947, submitted on July 27, 1982, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Ship Shoal Block 28 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 5, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–22050 Filed 8–12–82; 8:45 am]

BILLING CODE 4310–31–M

Lessees and Operators of Federal Oil and Gas Leases in the Gulf of Mexico Outer Continental Shelf Region; Safety Devices

AGENCY: Minerals Management Service, Interior.

ACTION: Notice to lessees and operators (NTL) clarifying the intent of safety device training requirements for lessees in the Gulf of Mexico Outer Continental Shelf (OCS) Region.

SUMMARY: To clarify the intent of safety device training requirements of Subparagraph 5.7, *Safety Device Training*, of OCS Order No. 5, "Production Safety Systems," lessees in the Gulf of Mexico are informed that to meet these requirements they shall submit an application describing the training to be conducted in accordance with certain criteria, and they shall ensure that their personnel are properly trained within 1 year after their application has been approved.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. J. B. Lowenhaupt, Deputy Minerals Manager, Offshore Field Operations, Gulf of Mexico OCS Region, Minerals Management Service, Department of the Interior, 3301 North Causeway Boulevard, Metairie, Louisiana 70010, telephone (504) 837–4720.

SUPPLEMENTARY INFORMATION: The Deputy Minerals Manager, Offshore Field Operations, Gulf of Mexico OCS Region, will mail a copy of the NTL published with this Notice to lessees on his mailing list. Others wishing copies of this NTL may write to: Mr. J. B. Lowenhaupt, Deputy Minerals Manager, Offshore Field Operations, Gulf of Mexico OCS Region, Minerals Management Service, P.O. Box 7944, Metairie, Louisiana 70010.

Dated: August 4, 1982.

Harold E. Doley, Jr.,

Director.

United States Department of the Interior, Minerals, Management Service, Gulf of Mexico OCS Region

No. 82–7 August 13, 1982.

Notice To Lessees and Operators of Federal Oil and Gas Leases in the Outer Continental Shelf, Gulf of Mexico OCS Region

Clarification of Requirements of Subparagraph 5.7, Safety Device Training, of OCS Order No. 5, "Production Safety Systems"

It has been determined that there is a need to clarify the intent of the requirements of Subparagraph 5.7, *Safety Device Training*, of OCS Order No. 5, "Production Safety Systems,"

which became effective January 1, 1980 (44 FR 76243, December 21, 1979).

Some lessees have sought to comply with the requirements for safety device training by requesting the Deputy Minerals Manager (DMM), Offshore Operations Support (formerly Deputy Conservation Manager, Offshore Operations Support), to approve the curriculums of specific safety device training schools.

In accordance with subparagraph 4D(4), *Training*, of OCS Order No. 8, "Platforms, Structures, and Associated Equipment," effective October 1, 1976 (41 FR 37622, September 7, 1976), other lessees have submitted for the approval of the appropriate District Supervisor, descriptions of the training to be conducted and the methods they intend to utilize to ensure that their personnel have been properly trained.

The Minerals Management Service (MMS) does not approve or certify the curriculums or the schools offering training to meet the recommendations of "API Recommended Practice for Qualification Programs for Offshore Production Personnel Who Work with Anti-Pollution Safety Devices," API RP T-2. Approvals of such schools or curriculums that may have been rendered by the U.S. Geological Survey are hereby rescinded. The MMS does approve applications describing the training to be conducted in accordance with items a through g as set forth below.

It is also apparent that the currently effective subparagraph 5.7 of OCS Order No. 5 does not recognize approvals granted prior to January 1, 1980, under the requirements of subparagraph 4D(4) of OCS Order No. 8, effective October 1, 1976. Furthermore, subparagraph 5.7 does not specify a time for compliance for lessees who submitted applications after the effective date of January 1, 1980.

It has also been recognized that in order to ensure uniformity in the approval of applications, all applications should be reviewed and approved by the Associate Director for Offshore Minerals Management (ADOMM), at the National Center in Reston, Virginia.

Therefore, lessees are advised that in meeting the requirements of subparagraph 5.7, *Safety Device Training* of OCS Order No. 5, "Production Safety Systems," they shall comply with the following:

Prior to the start of production, each lessee shall submit an application for approval to the Associate Director for Offshore Minerals Management, Minerals Management Service, MS 640, Department of the Interior, 12203 Sunrise Valley Drive, Reston, Virginia 22091. This application shall describe the training to be conducted and the methods the lessee will utilize. The application shall include—

a. A designation of the lessee's representative who is responsible for training and coordinating training matters with the MMS;

b. The categories of personnel to be qualified;

c. The training organizations and courses to be utilized;

d. The method of ensuring the qualification of third-party personnel;

e. The method of determining when additional training or requalification is required and the method for obtaining this training and requalification;

f. The method of monitoring operations to ensure that only qualified personnel perform certain functions; and

g. The method of maintaining documented evidence of qualification at the worksite.

Lessees who have a description of training which was approved prior to January 1, 1980, by the Area Supervisor in accordance with OCS Order No. 8, subparagraph 4D(4), effective October 1, 1976 (41 FR 37622, September 7, 1976), and who have continued to implement such training, need not resubmit an application.

All other lessees who do not have an application approved by the ADOMM (formerly Deputy Chief, Conservation Division—Offshore Minerals Regulation) in accordance with items a through g above shall submit an application to the ADOMM within 60 days after the effective date of this NTL. Lessees shall ensure that personnel are trained within 1 year after their application has been approved.

Dated: July 6, 1982.

J. B. Lowenhaupt,

Deputy Minerals Manager, Offshore Field Operations, Gulf of Mexico OCS Region.

Robert L. Rioux,

Acting Associate Director for Offshore Minerals Management.

[FR Doc. 82-22069 Filed 8-12-82; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Long and Short-Haul Application for Relief (Formerly Fourth Section Application)

August 10, 1982.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43976, Southwestern Freight Bureau, Agent No. B-163, reduced rates on iron or steel pipe and related articles, minimum 70,000 and 80,000 pounds, from stations in Eastern and Southern Territories, to Brookshire and Katy, TX, as published in Supplement 371 to Southwestern Freight Bureau, Agent, Tariff ICC SWFB 4853, to become effective September 6, 1982. Grounds for relief—destination rate relationship.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-22008 Filed 8-12-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Long and Short-Haul Aplication for Relief (Formerly Fourth Section Application)

August 10, 1982.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43975, Southwestern Freight Bureau, Agent (No. B-162), increased rates on asbestos products, etc., also gaskets or packing, from stations in Southwestern Territories, to to stations in Western Territory in Supplement No. 247 to its Tariff ICC SWFB 2006-K, effective September 11, 1982. Grounds for relief: Additional revenue to offset increased operating costs.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-22007 Filed 8-12-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United Stated Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP2–182

Decided: August 4, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 63562 (Sub-91), filed July 28, 1982. Applicant: BN TRANSPORT INC., 6775 East Evans Avenue, Denver, CO 80224. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307, (515) 243–4191. Transporting *general commodities* between points in the U.S. (except AK and HI), under a continuing contract(s) with Fritz Companies, Inc., of San Francisco, CA. Condition: To the extent any permit issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 149522 (Sub-3), filed July 26, 1982. Applicant: LARRY MUNGER ENTERPRISES, INC., P.O. Box 25831, Salt Lake City, UT 84125. Representative: Larry Munger (same address as applicant), 801–262–9962. Transporting *building materials,* between points in WA, OR, CA, NV, UT, AZ, WY, MT, CO, NM, OK, TX, LA, AK, MO, IL, ID, ND, SD, IA, NE, KS, OH, WI, MN, AR, AL, TN, GA, IN, and MI, under continuing contract(s) with Owens-Corning Fiberglass-Supply Division, of Salt Lake City, UT.

MC 163183, filed July 26, 1982. Applicant: TANQUE VERDE TRANSPORT, INC., 8182 Lake Blvd., Forest Lake, MN 55025. Representative: Elmer B. Trousdale, 1700 First Bank Bldg., St. Paul, MN 55101, 612–227–7271. 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 (a) Knox Lumber and (b) the Wood Products Division of the Weyerhauser Corporation, both of St. Paul, MN. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

Volume No. OP5–163

Decided: August 3, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 14708 (Sub-2), filed July 23, 1982. Applicant: FIELD VIEW FARM TRANSPORTATION, INC., 707 Derby Turnpike, Orange, CT 06477. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, (202) 737–1030. Transporting *beverages and flavoring extracts,* between points in the U.S. (except AK and HI), under continuing contract(s) with United Liquors, Ltd., of West Roxbury, MA, and Van Munching & Co., Inc., of New York, NY.

MC 33868 (Sub-6), filed July 19, 1982. Applicant: FRICK TRANSFER, INC., 1905 Bushkill Dr., Easton, PA 18042. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, 215–357–7220. Transporting *those commodities which because of their size or weight require the use of special handling or equiupment,* between points in Berks, Bucks, Clearfield, Elk, Jefferson, Lackawanna, Lehigh, Luzerne, Montgomery, Monroe, and Northampton Counties, PA and Hunterdon and Warren Counties, NJ on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 52709 (Sub-407), filed July 21, 1982. Applicant: RINGSBY TRUCK LINES, INC., P.O. Box 7240, Denver, CO 80207. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312, 703–750–1112. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 144779 (Sub-10), filed July 19, 1982. Applicant: AHA, INC., Box 158, Panguitch, UT 84759. Representative: Glen M. Hatch, 50 West Broadway, Fourth Fl., Salt Lake City, UT 84101, (801) 328–1666. Transporting *forest products, lumber and wood products, metal products, and building materials,* between points in UT, NV, CA, ID, AZ, NM, CO, WY, OK, TX, OR, and WA.

MC 146758 (Sub-24), filed June 3, 1982. Applicant: LADLIE TRANSPORTATION, INC., 1701 Margaretha St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same address as applicant), 800–533–6038. Transporting *charcoal briquettes,* between points in MO, on the one hand, and, on the other, those points in the U.S. in and west of WI, IN, MO, AR, and LA (except AK and HI).

MC 148378 (Sub-3), filed July 26, 1982. Applicant: STOVER TRUCK LINE, INC., 809 E. Court, Beloit, KS 67420. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, 913–233–9629. Transporting *food and related products,* between Minneapolis-St. Paul, MN and St. Louis, MO, on the one hand, and, on the other, points in Mitchell County, KS.

MC 150148 (Sub-2) (republication), filed July 15, 1982 (previously published in the **Federal Register** on August 2, 1982). Applicant: KANAWHA CARTAGE COMPANY, 85 East Gay Street, Columbus, OH 43215. Representative: Earl N. Merwin (same address as applicant), (614) 224–3161. Transporting *general commodities* (except commodities in bulk, household goods, and classes A and B explosives), between points in IN, KY, MI, OH, PA, and WV. Condition: The person or persons which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

Note.—Purpose of republication is to include common control condition.

MC 151368 (Sub-5), filed July 26, 1982. Applicant: KOCH TRUCK LINE, INC., 619 Iowa, Sabetha, KS 66534. Representative: Eugene W. Hiatt, 207 Casson Bldg., 603 Topeka Blvd., Topeka, KS 66603, 913–232–7263. Transporting (1) *machinery* and (2) *metal products,* between those points in KS, NE, and MO west of Hwy 63, on the one hand, and, on the other, points in IL, IN, IA, NM, ND, SD, CO, OK, and TX.

MC 156069 (Sub-5), filed July 27, 1982. Applicant: TRANSITALL SERVICES, INC., Two North Reiverside Plaza, Suite 1402, Chicago, IL 60606. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with Bissell, Inc., of Grand Rapids, MI.

MC 157179 (Sub-2), filed July 26, 1982. Applicant: WARRIOR TRANSPORT, INC., 2334 Havenhurst, Farmers Branch, TX 75234. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112, (817) 457–08084. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 161199 (Sub-2), filed July 23, 1982. Applicant: WESTERN FREIGHT LINES, INC., 300 Elliott Ave., W., Suite 220, Seattle, WA 98109. Representative: Henry C. Winters, 12600 S.E. 38th, Suite 200, Bellevue, WA 98006, 206–644–2100. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Superior Packing Co. of Ellensburg and Armour Food Company of Phoenix, AZ.

MC 161668 (Sub-1), filed July 23, 1982. Applicant: CHARLES C. SCARPA, d.b.a. ST. BARBARA SOCIETY, 550 Crystal Avenue, Vineland, NJ 08360. Representative: Charles C. Scarpa (same address as applicant), (609) 692–5647. To engage in operations as a *broker* at Vineland, NJ, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between points in NJ on the one hand, and on the other, points in the U.S.

MC 162369, filed June 7, 1982. Initially published in the **Federal Register** on June 22, 1982. Applicant: SUBURBAN TOURS, INC., 2121 West Chestnut St., Washington, PA 15301. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. To operate as a *broker* at Washington, PA, arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, between points in the U.S.

Note.—This application is republished to include special operations.

MC 162689, filed June 28, 1982. Applicant: BIG "O" MOVERS AND STORAGE, INC., 5951 West Madison St., Chicago, IL 60644. Representative: Odis S. Reams (same address as applicant) 312–287–9600. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between Chicago, IL and points in Kankakee County, IL on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163018, filed July 27, 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 (206) 622–3220. Transporting, in Foreign Commerce only, (1) *machinery,* (2) *machine parts,* and (3) *such commodities* as are used in the repair, overhaul and maintenance of machinery, between ports of entry on the International Boundary line between the U.S. and Canada at points in WA, on the one hand, and, on the other, points in WA, OR, and CA.

MC 163019, filed July 19, 1982. Applicant: OLSON EXPLOSIVES, INC. d.b.a. OLSON TRUCKING, R.R. 6, Box 384, Decorah, IA 52101. Representative: Richard L. Gill, 1805 American National Bank Bldg., Saint Paul, MN 55101 (612) 224–9454. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in in the U.S. (except AK and HI), under continuing contract(s) with Lang Dairy Supply, Hartland Contracting Service, Inc., Knight Distributing Company, Inc., and New Concepts Pre-Mix Co., all of Decorah, IA, Wiese Farm Sales, of Northfield, MN, Bob's Appliance, Inc., DBA Calumet Dairy Supply, of Brillion, WI, Bio-Lab, Inc., of Conyers, GA and Nelson-Jameson, Inc., of Marshfield, WI.

MC 163118, filed July 23, 1982. Applicant: LAND O'FROST OF ARKANSAS, INC., P.O. Box 758 Hasting Ave., Searcy, AR 72143. Representative: Jim Leach (Same address as applicant) 501–268–2474. Transporting *food and related products,* between points in in the U.S. (except AK and HI), under continuing contract(s) with Los Angeles Smoking & Curing Company, Inc. of Los Angeles, CA.

MC 163148, filed July 27, 1982. Applicant: RED BIRD TRANSPORTATION, INC., 4291 Spring Grove Ave., Cincinnati, OH 45223. Representative: Roger H. Sickmeier (Same address as applicant) 513–681–3337. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in in the U.S. (except AK and HI), under continuing contract(s) with Ohio Valley Shippers Association, Inc. of Cincinnati, OH.

MC 163149, filed July 27, 1982. Applicant: PORTER TRANSPORTATION CO., INC., R.F.D. #2, Athol, MA 01331. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, 617–235–5571. Transporting *petroleum products,* between points in MA, NH, and RI.

Volume No. OP5–165

Decided: August 4, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 15638 (Sub-3), filed July 28, 1982. Applicant: ARTHUR T. BROWN, JR., RT. 40, R. D. #2, Monroeville, NJ 08343. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814 (301) 654–2240. Transporting *lumber and wood products,* between points in Hertford County, NC, on the one hand, and, on the other, points in VA, MD, DE, and NJ.

MC 29328 (Sub-13), filed July 27, 1982. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Ave., Joliet, IL 60432. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603 (312) 782–8880. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 59678 (Sub-5), filed July 27, 1982. Applicant: TEXTILE TRANSPORTATION, INC., 226 So. Cobb Ave., Burlington, NC 27215. Representative: Micharel F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036 (202) 457–1124. Transporting (1) *roofing, building, and paving materials* under continuing contract(s) with Monsey Products Co., of Kimberton, PA, and (2) *paper* under continuing contract(s) with Secondary Resources of America, Inc., of Richmond, VA, between points in the U.S. (except AK and HI).

MC 79658 (Sub-29), filed July 29, 1982. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant) (812) 424–2222. Transporting *household goods, office furniture* and *office equipment,* between points in the U.S. (except HI), under continuing contract(s) with Shell Oil Company, Western E&P Operations and Information Center & Computer Services, of Houston, TX.

MC 109448 (Sub-44), filed July 26, 1982. Applicant: PARKER TRANSFER COMPANY, 1539 Lowell St., P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of heating and airconditioning units between Evansville, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 116558 (Sub-5), filed July 29, 1982. Applicant: VOLPE TRUCKING, INC., 560 Willow Avenue, Lyndhurst, NJ 07071. Representative: Larry R. McDowell, 1200 Avenue of the Arts Building, Broad and Chestnut Streets, Philadelphia, PA 19107, (215) 735–3090. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Acme Markets, Inc., of Philadelphia, PA.

MC 118288 (Sub-55), filed July 23, 1982. Applicant: FROST TRUCK LINES, INC., 5107 Jellison Rd., P.O. Box 28, Billings, MT 59103. Representative: Ronald D. Browning, 1800 One Main Place, 101 S.W. Main, Portland, OR 97204, (503) 295–0731. Transporting *lumber and wood products,* between points in MT, on the one hand, and, on the other, points in ND, SD, NE, KS, IA, WI, MN, IL, and MO.

MC 126899 (Sub-152), filed July 26, 1982. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., Paducah, KY 42001. Representative: George M. Catlett, McClure Bldg., Suite 700–702, Frankfort, KY 40601, (502) 227–7384. Transporting (1) *petroleum and coal products,* and (2) *chemicals and related products,* between Columbus, OH, on the one hand, and, on the other, points in MI.

MC 133189 (Sub-48), filed July 26, 1982. Applicant: VANT TRANSFER, INC., 1257 Osborne Rd., Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291–1215. Transporting *lumber and wood products,* between points in the U.S. (except AK and HI).

MC 135069 (Sub-7), filed July 26, 1982. Applicant: ROCKAWAY TRUCKING, INC., Route 46, Rockaway, NJ 07866. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740 (301) 797–6060. Transporting *incinerator systems* between points in the U.S., under continuing contract(s) with Burn-Zol Corporation, a division of New Wayne Industries, of Dover, NJ.

MC 138218 (Sub-5), filed July 26, 1982. Applicant: MID CITY FREIGHT LINES, INC., Route 1, Sibley, MO 64088. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221–1464. Transporting *electronic equipment, parts, and accessories,* between points in Geauga County, OH, and Santa Clara County, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 141318 (Sub-25), filed July 26, 1982. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., P.O. Box Ltd., Medford, WI 54451. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402 (612) 333–1341. 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 All States Shippers Association, Inc., of Chicago, IL, and F.T.S., Inc., of Ft. Lauderdale, FL.

MC 141708 (Sub-1), filed July 22, 1982. Applicant: MOTORFLOTA, INC., 271 Culver Ave., Jersey City, NJ 07305. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006 (202) 833–8884. 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 Transconex, Inc., of Miami, FL.

MC 143179 (Sub-30), filed July 28, 1982. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same address as applicant) (702) 323–9124. Transporting *pulp, paper, and related products,* between points in Jefferson County, CO, on the one hand, and, on the other, Omaha, NE and points in Woodbury County, IA, and Madison County, NE.

MC 148849 (Sub-10), filed July 28, 1982. Applicant: EQUITABLE BAG CO., INC., 45–50 Van Dam St., Long Island City, NY 11101. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–234–0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Eagle Manufacturing Co., of Wellsburg, WV.

MC 150489 (Sub-4), filed July 29, 1982. Applicant: ALL AMERICAN AIRFREIGHT, CORP., 7910 NE Airport Way, Portland, OR 97218. Representative: John A. Anderson, 1515 SW Fifth Ave., Suite 801, 1515 Bldg., Portland, OR 97201, 503–227–4586. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OR, WA, CA, and ID.

MC 163088, filed July 23, 1982. Applicant: THE ANTIQUE STOREROOM, 5445 Broadway, Knoxville, TN 37918. Representative: Henry T. Ogle, 107 Main Street, Knoxville, TN 37902 (615) 546–1111. Transporting *furniture and fixtures* between points in Knox County, TN, on the one hand, and, on the other, points in PA, NC, VA, and GA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–22010 Filed 8–12–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** 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 conrol, 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 compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP2–181

Decided: August 4, 1982.

By the Commission, Review Bord No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 163193, filed July 29, 1982. Applicant: KRESSER BROKER SERVICE, INC., 900 East Church St., Sandwich, IL 60548. Representative: Edward G. Bazelon, 29 South La Salle St., Chicago, IL 60603, 312–236–9375. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP3–123

Decided: August 5, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 163095, filed July 23, 1982. Applicant: DANIEL C. HEIL, Box 72 Parsonage Rd., Findley Lake, NY 14736. Representative: (Same as Applicant) (716) 769–7208. Transporting *food and other edibile products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, 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 163205, filed July 30, 1982. Applicant: MESH FORWARDING SYSTEMS, INC., P.O. Box 894, Muscatine, IA 52761. Representative: James M. Hodge, 3730 Ingersoil Avenue, Des Moines, IA 50312, (515) 274–4985. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP5–164

Decided: August 3, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 162319, filed June 3, 1982. Applicant: STA-GREEN BROKERAGE COMPANY, DIVISION OF STA-GREEN TRANSPORTATION COMPANY, INC., 321 North Anniston Ave., Sylacauga, AL 35150. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401, 205–578–2836. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 163138, filed July 26, 1982. Applicant: ALVIN F. THOMPSON, 2476 Albion Box 804, Fairmont, MN 56031. Representative: Alvin F. Thompson (Same address as Applicant), 507–235–5789. Transporting *food and other edibile products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, 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 163139, filed July 26, 1982. Applicant: JAMES P. McADOW TRUCKING, INC., 3746 Louisa Rd., Catlettsburg, KY 41129. Representative: James P. McAdow (Same address as Applicant), 606–836–1039. Transporting *shipments weighing 100 pounds or less* in transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Volume No. OP5–166

Decided: August 4, 1982.

By the Commission, Review Baord No. 3, Members Krock, Joyce, and Dowell.

MC 163039, filed July 20, 1982. Applicant: PACT TRANSPORATATION, INC., 8522 North 43rd Drive, Glendale, AZ 85302. Representative: Rusty Burks, 1600 West Camelback Road, Suite 2 S, Phoenix, AZ 85015, (602) 264–7403. Transporting *food and other edibile products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–22009 Filed 8–12–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–156 (Sub-11)]

Rail Carriers; Delaware and Hudson Railway Co.; Abandonment—In Rutland and Bennington Counties, VT and Washington County, NY; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Delaware and Hudson Railway Company to abandon its line of railroad known as that portion of the Washington Branch extending from railroad milepost A–90.94 (Val. Sta. 2762+12.95) near the Castleton, VT station to rail milepost A–125.00 (Val. Sta. 957+87.7) near the Salem, NY station a distance of 34.06 miles in Rutland and Bennington Counties, VT and Washington County, NY, subject to certain conditions. Since no investigation was instituted, the

requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-22006 Filed 8-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29983]

Rail Carriers; Middletown and Hummelstown Railroad Co.—Exemption From 49 U.S.C. 11301

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Interstate Commerce Commission exempts the issuance of a note by the Middletown and Hummelstown Railroad Company from the requirements of prior approval under 49 U.S.C. 11301.

DATES: Exemption effective on August 13, 1982. Petitions to reopen must be filed by September 2, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Daniel J. Sweeney, 1750 Pennsylvania Ave., NW., Washington, DC 20006

Pleadings should refer to Finance Docket No. 29983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll-free for outside the DC area.

Decided: August 9, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-22014 Filed 8-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29984]

Rail Carriers; Middletown & Hummelstown Railroad Co.; Notice of Exemption

August 6, 1982.

Middletown & Hummelstown Railroad Company (M&H) filed a notice of exemption to lease 2.5 miles of line from ITT Grinnell Corporation (Grinnell).

Under the provisions of the Northeast Rail Service Act of 1981, the Consolidated Rail Corporation (Conrail) has filed an abandonment notice in AB-167 (Sub-No. 137), for the Columbia Industrial Track railroad line between mileposts 37.2 and 39.7.

Grinnell has agreed to purchase this line from Conrail. Grinnell proposes to lease the line to M&H in order to have M&H operate it.

This transaction is exempt because M&H would be acquiring control of nonconnecting trackage, the acquisition is not part of a series of transactions that would result in this track being connected to current M&H track, and the transaction does not involve a Class I carrier (49 CFR 1111.5(c)(2)).

Since M&H is leasing the line from Grinnell, and not purchasing it from Conrail, as a condition to use of the exemption, any M&H employee affected by this transaction shall be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 650 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

By the Commission, Richard S. Lewis, Acting Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-22005 Filed 8-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub- 285N)]

Conrail Abandonment Between Pana and Paris, IL; Correction

The notice in the above captioned proceeding published at 47 FR 30665 on July 14, 1982, should be disregarded. A notice for this same line was published at 47 FR 14977 on April 7, 1982. In that notice the net liquidation value for each segment, except the segment between milepost 116.5 and milepost 129.5 was given. The 120 days for acquisition of those segments at 75 percent of their published value has expired. The Commission is still independently appraising the liquidation value of the segment between milepost 116.5 and milepost 129.5 and publication of that value will occur shortly.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-22244 Filed 8-12-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-125]

Certain Grooved Wooden Handle Kitchen Utensils and Gadgets; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: August 5, 1982.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 22032- Filed 8-12-82; 8:45 am]

BILLING CODE 7020-02-M

CF & I Steel Corp.; Termination of Investigations Nos. 731-TA-97 Through 731-TA-99 (Preliminary) and 701-TA-186 (Preliminary)

AGENCY: International Trade Commission.

ACTION: Termination of preliminary antidumping and countervailing duty investigations and cancellation of conference.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Cates, Investigator, Telephone No. 202-523-0369.

SUPPLEMENTARY INFORMATION: On July 22, 1982, following receipt of a petition filed on behalf of CF & I Steel Corporation, Pueblo, Colorado, the

Commission instituted antidumping investigations Nos. 731–TA–97 through 731–TA–99 (Preliminary) and countervailing duty investigation No. 701–TA–186 (Preliminary), steel rails from the Federal Republic of Germany, France, and the United Kingdom and steel rails from the European Community. The purpose of the investigations was 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 is materially retarded by reason of allegedly subsidized imports from the European Community or imports which are alleged to be sold at less than fair value from the Federal Republic of Germany, France, and the United Kingdom of steel rails provided for in items 610.20 and 610.21 of the Tariff Schedules of the United States (1982).

On August 6, 1982, the Commission received a copy of a letter on behalf of the petitioner to the Department of Commerce withdrawing the petition for the subject investigations. On August 9, 1982, the Commission received a letter from the Department of Commerce stating that it considers the petitions withdrawn and does not intend to take further action in these cases. Therefore, pursuant to its authority under section 207.13 of the Commission's Rules of Practice and Procedure, the Commission's investigations concerning these products from the Federal Republic of Germany, France, the United Kingdom and the European Community are hereby terminated and the conference schedules for August 13, 1982 is cancelled.

Issued: August 11, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-22243 Filed 8-12-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731–TA–101 (Preliminary)]

Greige Polyester/Cotton Printcloth From the People's Republic of China

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

EFFECTIVE DATE: August 5, 1982.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of investigation No. 731–TA–101 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(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 the People's Republic of China of unbleached and uncolored printcloth fabric (other than 80 x 80 type) in chief value of cotton, containing polyester, and provided for in items 326.26 through 326.40 of the Tariff Schedules of the United States, which is alleged to be sold in the United States at less than fair value. The appropriate statistical suffixes are 32 and 92. For purposes of this investigation the term "printcloth" means plain-woven fabric, not napped, not fancy or figured, or singles yarn, not combed, of average yarn number 26 through 40, weighing not more than 6 ounces per square yard, having a total thread count of more than 85 yarns per square inch and with the total count of the warp yarns per inch and the total count of the filling yarns per inch each less than 62 percent of the total count of the warp and filling yarns per square inch.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Zeck (202–523–0339), Office of Investigation, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed August 5, 1982, on behalf of the American Textile Manufacturers Institute, Inc., and 8 of its member companies who are producers of polyester/cotton printcloth. Copies of the petition are 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 September 20, 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), not later than seven (7) days after the publication of this notice in the **Federal Register**. 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 the 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 September 1, 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 section 201.6 of the Commission's rules (19 CFR 201.6). 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 27, 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, Ms. Vera Libeau, telephone 202–523–0368, not later than August 25, 1982, to arrange for their appearance. parties in support of the imposition of antidumping 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 Ms. Vera Libeau.

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: August 11, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-22242 Filed 8-12-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Notice of Additions to Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The additions to the annual list are effective August 6, 1982.

SUMMARY: The purpose of this notice is to announce additions to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: James W. Higgins, Assistant Chief, Division of Labor Market Information, 601 D Street, N.W., Attention: TEEPA, Washington, D.C. 20213; Telephone 202-376-6890.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Procurement Regulations Temporary Regulation 57 (41 CFR Chapter 1, Appendix), issued by the General Services Administration on January 15, 1981 (46 FR 3519), implements Executive Order 12260. Executive agencies should refer to Temporary Regulation 57 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on June 4, 1982 (47 FR 24474).

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR § 654.5(c) and are added to the annual list of labor surplus areas, effective August 6, 1982. The following additions to the annual list of labor surplus areas are published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, D.C. on August 6, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

ADDITIONS TO THE ANNUAL LIST OF LABOR SURPLUS AREAS, AUGUST 6, 1982

Labor surplus area	Civil jurisdiction included
	ALABAMA
Chambers County	Chambers County
Cherokee County	Cherokee County
Clay County	Clay County
Cleburne County	Cleburne County
Tallapoosa County	Tallapoosa County
	ARIZONA
Gila County	Gila County
Greenlee County	Greenlee County
Mohave County	Mohave County
Pinal County	Pinal County
	DELAWARE
Kent County	Kent County
	GEORGIA
Upson County	Upson County
	IDAHO
Shoshone County	Shoshone County
	ILLINOIS
Balance of Cook County	Cook County less Arlington Heights City, Chicago City, Cicero City, Des Plaines City, Elgin City-Cook, Evanston City, Mount Prospect Village, Oak Lawn City, Oak Park City, Skokie City
Tazewell County	Tazewell County
	INDIANA
Balance of Allen County	Allen County less Ft. Wayne City
Balance of St. Joseph County	St. Joseph County less South Bend City
	MAINE
Oxford County	Oxford County
	MISSISSIPPI
Walthall County	Walthall County
	NEW JERSEY
Atlantic County	Atlantic County
Bayonne City	Bayonne City in Hudson County
Sussex County	Sussex County
Trenton City	Trenton City in Mercer County
	NEW YORK
Cheektowaga Town	Cheektowaga Town in Erie County
Cortland County	Cortland County
Balance of Erie County	Erie County less Amherst Town, Buffalo City, Cheektowaga Town, Hamburg Town, Tonowanda Town, West Seneca Township
Hamburg Town	Hamburg Town in Erie County
New York City	New York City in Bronx County, Kings County, New York County, Queens County and Richmond County
Tonowanda Town	Tonowanda Town in Erie County
West Seneca Township	West Seneca Township in Erie County
	NORTH CAROLINA
Martin County	Martin County
Rutherford County	Rutherford County
	OHIO
Medina County	Medina County
	PENNSYLVANIA
Adams County	Adams County
York County	York County
	RHODE ISLAND
Providence City	Providence City
	SOUTH CAROLINA
Aiken County	Aiken County
Anderson County	Anderson County
Bamberg County	Bamberg County
Cherokee County	Cherokee County
Chesterfield County	Chesterfield County
Edgefield County	Edgefield County
Fairfield County	Fairfield County
Florence County	Florence County
Horry County	Horry County
Jasper County	Jasper County
Kershaw County	Kershaw County
Lancaster County	Lancaster County
Laurens County	Laurens County
Newberry County	Newberry County
Pickens County	Pickens County
Spartanburg County	Spartanburg County
York County	York County
	WASHINGTON
Balance of King County	King County less Bellevue City and Seattle City
Seattle City	Seattle City in King County

ADDITIONS TO THE ANNUAL LIST OF LABOR SURPLUS AREAS, AUGUST 6, 1982—Continued

Labor surplus area	Civil jurisdiction included
Balance of Spokane County	Spokane County less Spokane City

FR Doc. 82-22159 Filed 8-12-82; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-13,532]

Hadron, Inc., Lake Orion, Michigan; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on June 14, 1982, in response to a worker petition received on June 2, 1982 which was filed on behalf of workers at Hadron, Inc., Lake Orion, Michigan.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-13,448). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated. Signed at Washington, D.C. this 4th day of August 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-22160 Filed 8-12-82; 8:45 am]
BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Periods in the States of Alabama and Maryland

This notice announces the ending of the Extended Benefit Periods in the States of Alabama and Maryland, effective on July 31, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

Extended Benefit Periods commenced in the State of Alabama and in the State of Maryland on February 14, 1982, and have now triggered off.

Determination of "Off" Indicator

The heads of the employment security agencies of the States named above have determined that the rate of insured unemployment in each State for the period consisting of the week ending on July 10, 1982, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in each State.

Therefore, the Extended Benefit Periods in these States terminated with the week ending on July 31, 1982.

Information for Claimants

Each State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the States named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on August 2, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 82-22161 Filed 8-12-82; 8:45 am]
BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Notice of New Extended Benefit Period in the State of Arizona

This notice announces the beginning of a new Extended Benefit Period in the State of Arizona, effective on July 25, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "On" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on July 10, 1982, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on July 25, 1982.

Information for Claimants

The duration of extended benefits payable in a new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in

the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFr 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on July 30, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 82-22162 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Notice of New Extended Benefit Period in the State of Kansas

This notice announces the beginning of a new Extended Benefit Period in the State of Kansas, effective on August 8, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "On" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on July 24, 1982, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on August 8, 1982.

Information for Claimants

The duration of extended benefits payable in a new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefit to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on August 6, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 82-22163 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-82-52-C]

Eastern Associated Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Eastern Associated Coal Corporation, Koppers Building, Pittsburgh, Pennsylvania 15219 has filed a petition to modify the application of 30 CFR 75.305 (weekly examination for hazardous conditions) to its Keystone No. 1 Mine (I.D. No. 46-01404) located in McDowell County, West Virgina. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be examined in their entirety on a weekly basis.

2. Petitioner states that application of the standard, to the 5 Right Mains, the Rock Cliff Butt, and the 20 Left sections of the mine would result in a diminution of safety because these sections, which consist of a return, intake, and combination belt/supply track heading, were developed prior to the advent of roof bolt usage. As a result, several falls have occured and areas of loose ribs are present in each section, rendering the entries unsafe for travel.

3. As an alternative method, petitioner proposes to examine the newly developed portions of the return airways of each section in their entirety on a weekly basis, and monitor the Buzzard Creek fan for methane content.

4. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 13, 1982. Copies of the

petition are available for inspection at that address.

Dated: August 5, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-22116 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-60-C]

Kentland-Elkhorn Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Kentland-Elkhorn Coal Corporation, P.O. Box 500, Mouthcard, Kentucky 41548 has filed a petition to modify the application of 30 CFR 75.1714-2(e) (availability of approved self-rescue devices) to its Kentland No. 1 Mine (I.D. No. 15-10197), Kentland No. 2 Mine (I.D. No. 15-02106), Feds Creek No. 2 Mine (I.D. No. 15-02500), and Cain Branch Mine (I.D. No. 15-12322), all located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that self-contained self-rescuers (SCSRs) be stored within 25 feet of miners or carried by the miners on all mantrips into and out of the mine.

2. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because the SCSRs become ineffective in temperatures below 23 degrees Fahrenheit, and storage on the surface during winter months would cause the SCSRs to become ineffective and useless.

3. As an alternative method, petitioner proposes to:

a. Place the SCSRs on each mantrip. The mantrips will remain in close proximity to the face area during the shift;

b. Supply all miners with filter-type self-rescuers on each mantrip into and out of the mine;

c. Supply any miner, upon request, with an SCSR to wear while working in the mine; and,

d. Store the SCSRs no more than 1200 feet underground, where they would be maintained at a constant temperature of 64 degrees Fahrenheit, which will eliminate the chance of them becoming inoperative because of freezing temperatures during winter months.

4. Petitioner states that the proposed alternative method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Person interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 13, 1982. Copies of the petition are available for inspection at that address.

Dated: August 5, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-22115 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-69-C]

Tuscaloosa Energy Corp.; Petition for Modification of Application of Mandatory Safety Standard

Tuscaloosa Energy Corporation, Route 1, Box 306, Elkhorn City, Kentucky 41522 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Lick Creek Mine (I.D. No. 15-13480) located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam ranges from 40½ inches to 51 inches in height and has undulating top and bottom conditions.

3. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because the canopies must be installed very low due to the height of the coal seam. Operator visibility is limited by the canopy, which increases the chances for an accident. In addition, the operator is forced to lean out from the canopy, exposing body parts to potential injury.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 13, 1982. Copies of the petition are available for inspection at that address.

Dated: August 5, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-22117 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-68-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Renton Mine (I.D. No. 36-00807) located in Allegheny County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a certified person make weekly examinations for hazardous conditions, including tests for methane, in the return aircourses.

2. The 10 East Main, 15 East Main, and 20 East Main entries were developed 29 to 49 years ago. Numerous roof falls and deteriorating conditions have resulted in water accumulation leaving the entries too hazardous to be examined.

3. Petitioner states that rehabilitation of the aircourses would expose miners to hazardous conditions.

4. As an alternative method, petitioner proposes to establish and maintain specified air monitoring stations at the beginning of each entry and on the surface. Results of these examinations will be recorded in a date book at each location.

5. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 13, 1982. Copies of the

petition are available for inspection at that address.

Dated: August 5, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-22158 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-71-C]

Utah Fuel Co; Petition for Modification of Application of Mandatory Safety Standard

Utah Fuel Company, P.O. Box 719, Helper, Utah 84526 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Skyline Mine No. 3 (I.D. No. 42-01566) located in Carbon County, Utah. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that entries used as intake and return aircourses be separated from belt haulage entries.

2. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because the required three-entry system for longwall development would be less stable from a ground control standpoint than development systems having a reduced number of entries. The decreased stability increases the probability of accidents resulting from roof falls or other ground control related problems.

3. As an alternative method, petitioner proposes to:

a. Develop longwall panels with a two-entry system which uses the return air entry as a belt entry;

b. Isolate the intake air entry from the combined belt and return air entry with the use of a continuous line of stoppings in accordance with the approved ventilation plan;

c. Provide an escapeway in the intake aircourse which is effectively separated from the combined belt and return air entry. The combined belt and return air entry will serve as the secondary escapeway;

d. Install the drive motor of the section belt conveyor and its electrical components in a neutral aircourse. A permissible type feeder/breaker will be used at the tail end of the belt conveyor. Any additional equipment used in the return aircourse will be permissible;

e. Install a fire detection system consisting of carbon monoxide (CO) monitoring devices, in addition to the automatic fire detection system. This audible and visual alarm system will be located near the mouth of each longwall development panel in the return aircourse, at intervals not exceeding 1,500 feet, and near any secondary belt drive on the longwall panel;

f. Examine each CO monitor visually at least once every 24 hours during coal production;

g. Patrol and monitor the belt entry continuously during periods when the system has been de-energized;

h. Install a methane detection system, equipped with audible and visual alarms, calibrated bi-weekly with a known methane-air mixture, at the mouth of each longwall panel in the return, at the section tailpiece, and near any secondary belt drive on the longwall panel;

i. Connect the methane system to de-energize the belt conveyor drive and section equipment when the methane level exceeds 1.5 volume per centum;

j. Use a blowing type ventilation system and equip the continuous miner with a dust scrubber.

4. Petitioner states that the proposed alternative method will provide a greater degree of safety for the miners affected than that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 13, 1982. Copies of the petition are available for inspection at that address.

Dated: August 5, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-22157 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefit Programs

Withdrawal of Proposed Exemption Involving the Alaska Teamster-Employer Pension Trust Located in Anchorage, Alaska (Application No. D-2853)

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

ACTION: Withdrawal of proposed exemption.

In the **Federal Register** dated March 5, 1982 (47 FR 9607) the Department of Labor (the Department) published a notice of pendency of a proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1954. The notice of pendency concerned an application filed by the trustees of the Alaska Teamster-Employer Pension Trust (the Plan) on behalf of the Plan.

The notice of pendency invited interested persons to submit comments regarding the proposed exemption. In response to the notice of pendency, the Department received sixteen public comments all of which opposed granting the proposed exemption. The Department after considering the complete record of the subject application including the public comments, is unable to conclude that it would be appropriate, at this time, to grant the exemption in the form in which it was proposed. Accordingly, the notice of pendency is hereby withdrawn. The Department had considered the appropriateness of proposing a modified notice of pendency but this was not acceptable to the applicants. Therefore no further proceedings are pending.

Signed at Washington, D.C, this 6th day of August, 1982.

[FR Doc. 82-22096 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-29-M

Proposed Exemption for Certain Transactions Involving the American Shopping Centers, Inc. Defined Benefit Pension Trust Located in Utica, New York (Application No. D-3281)

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

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt (1) the past purchase of a certain mortgage (the Mortgage) by the American Shopping Centers, Inc. Defined Benefit Pension Trust (the Plan) from Judson Leve (Leve), a party in interest with respect to the Plan; (2) the extension of credit (the Note) by Leve to the Plan in such transaction; and (3) the personal guarantee of the Mortgage payments by Leve. The proposed

exemption, if granted, would affect Leve and other persons who participated in the transaction.Since Leve is the only participant in the Plan, and the sole owner of American Shopping Centers, Inc., the sponsor of the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3–3 (c)(1). However, there is jurisdiction under Title II of the Act under section 4975 of the Code.

DATES: Written comments and requests for a public hearing must be received by the Department on or before September 13, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Sandards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–3281. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustees (the Trustees) of the Plan, pursuant to section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The plan is a defined benefit plan whose sole participant is Leve. The Trustees are Leve and his brother Harvey Leve. As of May 31, 1982, the Plan has assets of $375,605 excluding the value of the Mortgage.

2. On July 1, 1981, Leve sold the Mortgage to the Plan for $400,000. The Mortgage is in the face amount of $800,000 with Oriskany Development Corp. (Oriskany Corp.) as payee and Norman Gold as maker, and is a second mortgage upon the Amsterdam Shopping Center (the Center) located in Amsterdam, New York. Leve is ths sole stockholder of the Oriskany Corp. The Center, at the time the Mortgage was sold to the Plan, was subject to a first mortgage in the amount of $944,575 held by the Rochester Savings Bank and the Savings Bank of Utica. The Center presently is subject to the same first mortgage. The Center was sold in early 1981 by the Oriskany Corp. in an armslength transaction for $2,244, 575.60. The Mortgage provides for payment of interest only at the rate of 10% per year in monthly installments of $6,666.67 with the entire principal balance of $800,000 due on February 1, 1988. In payment for the Mortgage, the Plan gave the Note to Leve. The Note provides for payments of $100,000 each on July 1, 1982; July 1, 1983; July 1, 1984; and July 1, 1985. In addition, the Note provides for payment of 9% per year simple interest on the unpaid principal balance due, commencing from July 1, 1981.

3. The applicants represent that the purchase of the Mortgage by the Plan was in the best interests of the Plan because the Plan was able to receive a rate of return in excess of the rates of return available to the Plan in traditional forms of investment. The applicants determined that the market rate of return for second mortgages in June and July of 1981 was a minimum rate of return of 18% to 24% per annum. The applicants have submitted a representation from Mr. John R. Zapisek, an unrelated party and a vice president of the Marine Midland Bank, which states that it would seem appropriate for the Plan to have received a discount on the Mortgage so as to enable it to earn a 20% return on its investment. In addition to the annual 20% return which the Plan receives from the Mortgage payments, the Plan will receive the difference between the $400,000 which it paid for the Mortgage and the $800,000 in principal amount of the Mortgage that it will receive on Feburary 1, 1988.

4. The applicants represent that all of the Mortgage payments have to date been made in a timely manner. The applicants also represent that the cash flow of the Center remains substantial, and is adequate to service all expenses and debt service and to provide additional revenue to the owner. In addition, the payments on the Mortgage are personally guaranteed by Leve who represents that he has a net worth of in excess of $1,500,000.

5. In summary, the applicants represent that the transaction satisfies the criteria of section 408(a) of the Act as follows: (1) Leve is the sole participant of the Plan; (2) the Trustees represent that the transaction was and is in the best interests of the participant of the Plan; (3) the Plan has received and will continue to receive a high rate of return on its investment; (4) the payments on the Mortgage are personally guaranteed by Leve; and (5) the rate of return received by the Plan was based on the rate of return for second mortgages at the time of the transaction.

Notice to Interested Persons

This notice of pendency constitutes the only notice to interested persons.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 4975(c) (2) of the Code does not relieve a disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c) (2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other

provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to (1) the past purchase of the Mortgage by the Plan from Leve; (2) the Note given to Leve in such purchase provided that the terms and conditions of the Mortgage and the Note were and are at least equal to those which the Plan could have received in an arms length transaction; and (3) the personal guarantee of the Mortgage payments by Leve.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 5th day of August 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards

[FR Doc. 82–22093 filed 8–12–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–134]

Exemption From the Prohibitions for Certain Transactions Involving the Retirement Plan for Employees of the Arizona Bank Located in Phoenix, Arizona (Exemption Application No. D–3294)

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

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale on December 31, 1979 of a repurchase agreement (the Agreement) to the Retirement Plan for Employees of the Arizona Bank (the Plan) by the Arizona Bank (the Bank), the Plan sponsor.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 8, 1982, notice was published in the **Federal Register** (47 FR 24876) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the applications of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed in accordance with the provisions set forth in the proposed exemption. No requests for a hearing were received by the Department. The Department received one public comment in which the commentator expressed his support of the granting of the proposed exemption

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things required a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction, is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is adminstratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the Agreement entered into between the Bank and the Plan, provided that the terms and conditions of the Agreement were at least as favorable to the Plan as those it could have obtained from an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction that is the subject of the exemption.

Signed at Washington, D.C., this 5th day of August, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards

[FR Doc. 82-22098 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-29-M

Proposed Exemption for Certain Transactions Inviving the Employees Welfare Benefit Plans Maintained by Borg-Warner Acceptance Corporation, Borg-Warner Corporation and Subsidiaries of Borg-Warner Corporation Located in Chicago, Illinois (Application No. L-3486)

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

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt, under certain conditions, the reinsurance by the Arcadia Insurance Company (Arcadia) of health insurance contracts sold to employee welfare benefit plans (the Plans) maintained by the divisions and subsidiaries of Borg-Warner Corporation (the Employers). Arcadia is a party in interest with respect to the Plans. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plans, the Employers, Arcadia and other persons participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before Oct. 12, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-3486. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

EFFECTIVE DATES: January 1, 1975, as to transactions exempted; January 1, 1982 as to the conditions (a) barring commissions on sales of contracts, (b) limiting the percentage of all covered premium receipts derived from the Plans and their Employers, and (c) requiring a financial examination of Arcadia by the Insurance Commissioner of Arizona.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b) of the Act. The proposed exemption was requested in an application filed by Arcadia, pursuant to section 408(a) of the Act, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Preamble

On August 7, 1979, the Department published a class exemption [Prohibited Transaction Exemption 79-41 (PTE 79-41), 44 FR 46365] which permits insurance companies that have substantial stock or partnership affiliations with employers establishing or maintaining employee benefit plans to make direct sales of life insurance, health insurance or annuity contracts which fund such plans, if certain conditions are satisfied.

In PTE 79-41, the Department stated its view that if a plan purchases an insurance contract from a company that is unrelated to the employer pursuant to an arrangement or understanding, written or oral, under which it is expected that the unrelated company will subsequently reinsure all or part of the risk related to such insurance with an insurance company which is a party in interest with respect to the plan, the purchase of the insurance contract would be a prohibited transaction.

The Department further stated that as of the date of publication of PTE 79-41, it has received several applications for exemption under which a plan or its employer would contract with an unrelated company for insurance, and that unrelated company would, pursuant to an arrangement or understanding, reinsure part or all of the risk with (and cede part or all of the premiums to) an insurance company affiliated with the employer maintaining the plan. The Department felt that it would not be appropriate to cover the various types of reinsurance transactions for which it had received applications within the scope of the class exemption, but would instead consider such applications on the merits of each individual case.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Borg-Warner Corporation (Borg-Warner) is a multinational diversified operating company, primarily involved in the manufacture of durable goods. Borg-Warner operates through some 50 divisions employing individuals in 20 countries on 6 continents. The Employers which sponsor the Plans are all divisions or wholly owned subsidiaries of Borg-Warner. Arcadia is a wholly owned subsidiary of Borg-Warner Acceptance Corporation which is, in turn, wholly owned by Borg-Warner. Arcadia was incorporated in Arizona in 1975. Arcadia specializes in the reinsurance of accident, health and property risks. Arcadia is licensed in one state and has excess surplus lines authority in 26 States. As of December 30, 1977 Arcadia had assets totalling $8,862,735.

2. The Plans are welfare benefit plans which provide group accident, sickness and health benefits to the domestic employees of the Employers. The estimated total number of participants of the Plans is 30,000. The Equitable Life Assurance Society of the United States (Equitable) is the third largest legal reserve life insurance company in the United States. Equitable is licensed in all 50 States. There is no common owner relationship between Borg-Warner and Equitable or between Arcadia and Equitable.

3. The benefits under the Plans have been funded since 1971 through the purchase of group insurance contracts

by Borg-Warner from Equitable. Each month Borg-Warner pays Equitable approximately 3% of the "monthly premium" due on the insurance contracts. The balance of the monthly premium is deposited in a New York bank upon which Equitable draws checks to pay claims and expenses under the group policies. Since 1975, Arcadia has reinsured Equitable for 90% of Equitable's obligation to pay claims, expenses and maintain reserves. Pursuant to the reinsurance agreement between Arcadia and Equitable approximately 90% of the 3% of monthly premium paid by Borg-Warner to Equitable is paid by Equitable to Arcadia. Arcadia represents that the amount of the premiums paid to Arcadia by Equitable is no more than the amount of the premiums which Equitable would pay if it were dealing at arm's length with a party which was not related to Borg-Warner. The benefits under the Plans are provided unconditionally by Equitable and Equitable will remain liable directly and primarily to the participants of the Plans.

4. The applicant represents that the subject reinsurance transactions have met or will meet all of the conditions of PTE 79–41 covering direct insurance transactions:

(a) Arcadia is a party in interest with respect to the Plans by reason of a stock affiliation with Borg-Warner and the Employers as described in section 3(14)(E) or (G) of the Act.

(b) Arcadia is licensed to sell insurance in at least one of the United States.

(c) Arcadia has obtained a Certificate of Compliance, which has never been revoked or suspended, from its domiciliary state of Arizona.

(d) Arcadia underwent a financial examination by the Insurance Commissioner of Arizona as of December 31, 1977 and as of December 31, 1980.

(e) The Plans have paid and will pay no more than adequate consideration for the insurance contracts. Because Equitable is one of the largest group insurance underwriters in the United States and enjoys substantial economies of scale in overall policy administration, the premium charge to the Plans is highly competitive. The reinsurance transactions are not a factor in the premium computation and do not affect the cost to the Plans.

(g) No commissions have been or will be paid in connection with the direct sale of the insurance contracts or with respect to the reinsurance transactions which are the subject of this exemption.

(h) For the taxable years beginning after December 31, 1981, the gross premiums and annuity considerations received in that taxable year by Arcadia for life and health insurance or annuity contracts for plans with respect to which Arcadia is a party in interest will not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance in that taxable year by Arcadia. In 1981, such premiums amounted to 14 percent of Arcadia's gross premiums received.

5. In summary, the applicant represents that the subject transactions meet the statutory criteria of section 408(a) of the Act because: (1) the Plan's participants are afforded insurance protection by Equitable, one of the largest and most experienced group insurers in the United States, at competitive rates arrived at through arm's length negotiations; (2) Arcadia is a sound, viable insurance company which has been in business many years, and which does a substantal amount of business outside its affiliated group of companies; and (3) each of the protections provided to the Plans and their participants and beneficiaries by PTE 79–41 has been, or will be met under the subject reinsurance transactions.

Notice to Interested Persons

Notice of this proposed exemption will be given to all employees of Borg-Warner, each employee organization representing any employees of Borg-Warner and the Employers eligible to participate in the Plans to which group insurance contracts have been issued by Equitable and reinsured by Arcadia within 30 days of the publication of the notice of pendency in the **Federal Register**. Such notice will be posted on bulletin boards on each of the Employers' business premises customarily used for such purpose and will include a copy of the notice of pendency as it appears in the **Federal Register** as well as a statement informing interested persons of their right to comment or request a hearing on the proposed exemption

General Information

The attention of interested persons is directed to the following: (1) the fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest from certain other provisions of the Act including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) Before an exemption may be granted under section 408(a) of the Act the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and request for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, effective January 1, 1975 the restrictions of section 406(a) and 406(b) of the Act shall not apply to the reinsurance of risks and the receipt of premiums therefrom by Arcadia from the group health insurance contracts sold by Equitable to the Employers to provide benefits to the Plans, provided the following conditions are met:

(a) Arcadia.

(1) Is a party in interest with respect to the Plans by reason of a stock or partnership affiliation with Borg-Warner and the Employers that is described in section 3(14)(E) or (G) of the Act.

(2) Is licensed to sell insurance in at least one of the United States or in the District of Columbia,

(3) Has obtained a Certificate of Compliance from the Insurance Commissioner of its domiciliary state, Arizona, which has neither been revoked nor suspended; and

(4)(A) Has undergone an examination by an independent certified public accountant for its last completed taxable year immediately prior to the taxable year of the reinsurance transaction; or

(4)(B) Effective January 1, 1982, has undergone a financial examination (within the meaning of the law of its domiciliary state, Arizona) by the Insurance Commissioner of Arizona within 5 years prior to the end of the year preceding the year in which the reinsurance transaction occurred.

(b) The Plans pay no more than adequate consideration for the insurance contracts or annuities;

(c) No commissions are paid with respect to the direct sale of such contracts, or the reinsurance thereof, after December 31, 1981; and

(d) For taxable years of Arcadia beginning after December 31, 1981, the gross premiums and annuity considerations received in the taxable year by Arcadia for life and health insurance or annuity contracts for all employee benefit plans (and their employers) with respect to which Arcadia is a party in interest by reason of a relationship to such employer described in section 3(14)(E) or (G) of the Act do not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance in that taxable year by Arcadia. For purposes of this condition (d):

(1) The term "gross premiums and annuity considerations received" means the total of premiums and annuity considerations received, both for the subject reinsurance transactions as well as for any direct sale of life insurance, health insurance, or annuity contracts to such plans (and their employers) by Arcadia. This total is to be reduced (in both the numerator and denominator of the fraction) by experience refunds paid or credited in that taxable year by Arcadia.

(2) All premiums and annuity considerations written by Arcadia for plans which it alone maintains are to be excluded from both the numerator and denominator of the fraction.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this proposed exemption.

Signed at Washington, D.C., this 5th day of August, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards.

[FR Doc. 82-22091 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-133; (Exemption Application No. L-3181)]

Exemption From the Prohibitions for Certain Transactions Involving the Chase Bank Special Growth Fund and The Chase Bank Inter-Mediate Capitalization Fund of the Chase Manhattan Bank N.A. Located in New York City, N.Y.

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

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits certain past interaccount sales of publicly traded common stock (the Securities) between the Chase Bank Inter-Mediate Capitalization Fund and the Chase Bank Special Growth Fund, which are collective investment funds managed by the Chase Manhattan Bank, N.A. (Chase).

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 8, 1982, notice was published in the **Federal Register** (47 FR 24878) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) for the above described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification provisions as set forth in the notice of pendency. The Department received one comment which was submitted by the applicant. In its comment the applicant essentially noted that the value of the Securities actually sold in the inter-account sales was less than the value initially contemplated for transfer. The Department notes such fact and will grant the exemption in the form in which it was proposed. No requests for a hearing were received by the Department.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404 (a)(1)(B) of the Act.

(2) This exemption does not extend to transactions prohibited under section 406 (a), 406 (b)(1) and 406 (b)(3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plans.

Accordingly, the restrictions of section 406(b)(2) of the Act shall not

apply to certain past inter-account sales of the Securities by Chase as described in the notice of pendency.

The availablility of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 6th day of August, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards.

[FR Doc. 82-22097 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-3154, D-3155, D- 3156 and D-3157]

Proposed Exemption for Certain Transactions Involving The KRJ, Ltd. Profit Sharing Plan and Trust, The KRJ, Ltd. Pension Plan and Trust The LCM, Ltd. Profit-Sharing Plan and Trust and The LCM, Ltd. Pension Plan and Trust, Located in Sioux Falls, South Dakota

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

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the following proposed transactions: (1) The purchase by the above-referenced plans (the Plans) of an addition (the Addition) to a parcel of real property (the Building) from KRJ, Ltd. (KRJ), the sponsor of the Plans and the owner of LCM, Ltd. (LCM); (2) the lease (the Lease) of the Addition and the Building (collectively, the Properties) by the Plans to KRJ; (3) the assignment of two subleases (the Subleases) by KRJ to the Plans; and (4) the potential repurchase of the Properties by KRJ. The proposed exemption, if granted, would affect KHJ and the Plans and their participants and beneficiaries.

DATE: Written coments and requests for a public hearing must be received by the Department on or before September 23, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20216, Attention: Application Nos. D-3154, D-3155, D-3156, and D-3157. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of four applications for exemption from the restrictions of section 406(a), 406(b) (1) and (2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in applications filed by KRJ and LCM, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representatiions

The applications contain representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicants.

1. KRJ is presently doing business as the Laboratory of Clinical Medicine with headquarters in Sioux Falls, South Dakota. KRJ also has other clinics in six other locations scattered across the upper Midwest. KRJ offers a wide range of clinical pathology, anatomical pathology, nuclear medicine and ultrasound examination services to hospitals and patients in these various locations. On November 1, 1981 LCM merged into KRJ, with KRJ being the surviving corporation. The applicant is in the process of preparing an application to the Internal Revenue Service requesting approval for the merger of the LCM Plans into the KRJ Plans. The KRJ and LCM Profit Sharing Plans are defined contribution plans and the KRJ and LCM Pension Plans are defined—benefit plans. The number of participants and the amount of assets of each Plan as of October 31, 1981 are as follows: KRJ Profit Sharing Plan—76 participants and assets of $3,796,061; KRJ Pension Plan—76 participants and assets of $1,883,298: LCM Profit Sharing Plan.53 participants and assets of $816,963; and LCM Pension Plan—53 participants and assets of $443,649.

2. KRJ's Sioux Falls headquarters are located in the Building, an office building owned by the Plans. The percentage of the Building owned by each Plan and the percentage of Plan assets invested by each Plan in the Building as of October 31, 1981 are respectively as follows: KRJ Profit Sharing Plan—61% and 27.4%; KRJ Pension Plan—20% and 18.1%; LCM profit Sharing—13% and 27.3%; and LCM Pension Plan—4% and 15%.[1] The Building has been continuously leased (the Prior Lease) by the Plans to KRJ since 1972. The applicants represent that the Prior Lease, which was renewed on November 1, 1981, is covered by the transitional rules of section 414(c) of the Act and the regulations published thereunder. As of October 31, 1981, the Building had an estimated fair market value, as determined by the R. J. Hobson Agency, an independent appraiser, of $1.7 million.

3. The Addition, which was completed and occupied by KRJ on September 1, 1981, is adjacent to the Building and comprises 11,900 square feet. The Properties are adjacent to Sioux Valley Hospital and are in a prime location with a large parking area. The Properties are multipurpose structures which could readily be adapted to other uses at little or no cost. KRJ currently subleases 543 square feet of the Addition and 2,300 square feet of the Building to parties unrelated to the Plans and the Plan sponsor. The Plans will have an additional 2,600 square feet in the Addition available for lease to unrelated parties. The remaining portions of the Addition and the Building are occupied by KRJ. KRJ has agreed to assign the Subleases to the Plans for no consideration. The applicant represents that the fair market value of the Subleases, if treated as an employer contribution, will not cause the annual additions to the accounts of the participants in the KRJ Ltd. Profit

[1] The remaining 2% of the Building is owned by West, Ltd. Profit Sharing Plan and Trust and West, Ltd. Pension Plan and Trust (the West Plans) both of which have been merged into the KRJ Profit Sharing and Pension Plans, respectively. An application for the approval of the termination of the West Plans is pending with the Internal Revenue Service.

Sharing Plan and Trust and the LCM, Ltd. Profit Sharing Plan and Trust to exceed the limitations of section 415 of the Code.

4. It is proposed that the Plans acquire the Addition in shares proportional to their current interests in the Building, for its fair market value of $877,000 which was determined as of October 31, 1981 by the R. J. Hobson Agency. The Plans then propose to enter into the Lease of the Properties to KRJ. The Lease would be an absolute net lease with the rental to be adjusted annually to the higher of the fair market rental value or 13½% of the appraised value of the Properties, with all such market valuations to be determined by an independent appraiser. The initial term of the Lease would be ten years with unlimited options for five year renewals. The Plans would have the sole right to exercise the renewal options. KRJ would be required to repurchase the Properties (the Put) on 90 days' notice from the Plans' independent fiduciary (discussed infra), at a price equal to the greater of the Properties' then current fair market value as independently determined, or the Plans' original cost of purchase. The net worth of KRJ was approximately $2.6 million as of November 1, 1981.

5. The terms and conditions of the Lease have been negotiated on the Plans' behalf solely by First National Bank in Sioux Falls (the Bank), which is independent of KRJ and LCM. The Bank also has the exclusive authority to decide whether to have the Plans enter into the Lease, to monitor the Lease, to decide whether to renew the Lease pursuant to the renewal options and to decide when to exercise the Put. The Bank states that it believes that the Lease and the purchase of the Addition are attractive and sound investments that are in the best interests of and protective of the rights of the Plans and their participants and beneficiaries.

6. In summary, the applicant represents that the proposed transactions satisfy the statutory criteria of section 408(a) due to the following: (a) the Bank, an independent fiduciary, has reviewed and negotiated the terms of the proposed transactions on the Plans' behalf and represents that the transactions are in the interests of and protective of the rights of the Plans and their participants and beneficiaries; (b) the purchase price for the Addition has been determined by an independent appraiser; (c) the rental would be adjusted annually to the higher of the fair market rental value or 13½ percent of the appraised value Properties, with all market valuations being made by an independent appraiser; (d) KRJ will repurchase the Properties upon 90 days notice from the Bank, on the Plans' behalf; (e) the Subleases would be assigned to the Plans for no consideration; and (f) the Bank, on the Plans' behalf, will have the sole right to exercise the renewal options under the Lease.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

Notice of the proposed exemption will be given to all participants and beneficiaries of the Plans by first class mail within 10 days of its publication in the **Federal Register**. The notice will include a copy of the proposed exemption as published in the **Federal Register** and will inform each recipient of his right to comment on or request a hearing regarding the proposed exemption.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the applications, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) the purchase of the Addition by the Plans from KRJ, provided the purchase price is no less than the fair market value of the Addition on the date of sale; (2) the Lease by the Plans to KRJ of the Building and the Addition, provided that the terms and conditions of the Lease are at least as favorable to the Plans as those they could obtain from an unrelated party; (3) the Put option given to the Plans by KRJ; and (4) the assignment of the Subleases by KRJ to the Plans.

The proposed exemption, if granted, will be subject to the express condition

that the material facts and representations contained in the applications are true and complete, and that the applications accurately describe all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 5th day of August, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards.

[FR Doc. 82-22095 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-29-M

Pension and Welfare Benefit Programs Proposed Exemption for Certain Transactions Involving the Mavor-Kelly Company Profit-Sharing Plan Located in Houston, Texas (Application No. D-3200)

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

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed temporary exemption would exempt, for a period of five years, the proposed loans by the individually directed accounts of Mr. A. C. Flory (Flory) and Mr. H. K. Hynes (Hynes) in the Mavor-Kelly Company Profit Sharing Plan (the Plan) to the Mavor-Kelly Company (the Employer). The proposed exemption, if granted, would affect Flory, Hynes, the Employer and other persons participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before Sept. 14, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-3200. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Katherine D. Lewis of the Department, telephone (202) 523-8972. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Flory and Hynes, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Employer, a distributor of industrial coatings and tapes, is a Texas corporation which is 50 percent owned by Flory and 50 percent owned by Hynes. Flory and Hynes are, respectively, the president and vice president of the Employer and also the trustees of the Plan. The Plan is a profit sharing plan which was amended in 1981 to provide for segregated investment accounts and to allow each participant to direct the trustees as to the investment of the assets in his or her own account. Pursuant to this amendment, Flory and Hynes request an exemption to permit them, as participants in the Plan, to periodically make loans of money (the Loans) from their accounts to the Employer, up to an aggregate at any point in time of 50 percent of the assets in each of their accounts. No other participants would be affected by these transactions. On February 28, 1982 Flory's account had net assets of $176,259 and Hynes' account had net assets of $176,259. Both Flory and Hynes are 100 percent vested in their accounts. The other participants in the Plan, whose accounts will not participate in these transactions, have combined account balances totalling approximately $158,818.

2. The Loans will be made over a five year period, the first day of which will be the date the grant of an exemption is published in the **Federal Register**. All of the Loans will mature and become due and payable on or before the last day of such five year period. The maximum term of any single Loan will be 180 days. Each individual Loan will be repaid in quarterly payments of principal and interest. The interest rate for each Loan will be equal to one percent above the then current prime rate of the Texas Commerce Bank, Houston, Texas. In no event will the interest rate for any Loan be less than 12 percent per annum. The Employer represents that any interest paid to the Plan by the Employer in excess of fair market interest rates will not cause the annual additions to any participant's account to exceed the limitations of section 415 of the Code.

3. The Loans will be secured by a perfected first security interest in accounts receivable (the Receivables) of the Employer. The Receivables will have a value of at least 200 percent of the outstanding aggregate Loan balances at all times during the terms of the Loans. On January 31, 1982 the Employer had Receivables of approximately $763,615, resulting from approximately $4,800,000 in gross sales. The Employer represents that approximately 90 percent of its Receivables are collected within 40 days of the date of billing.

4. Mr. Joseph A. Bond (Bond), an attorney and C.P.A. in Houston, Texas, will act as the independent fiduciary for the Plan with respect to the proposed Loans. Bond is experienced in dealing with profit sharing plans and investments, and is unrelated to Flory, Hynes and the Employer. Prior to the execution of any Loan, Bond will review the terms of the Loan, render a judgement as to its suitability as a Plan investment, and throughout its duration, monitor the terms of the Loan. Bond will also be responsible for monitoring the value of the Receivables pledged as collateral and will enforce the rights of the Plan with regard to Loans.

5. The applicants represent that the proposed transactions satisfy the statutory criteria of section 408(a) of the Act due to the following:

(a) The only assets of the Plan which will be affected by the proposed transactions will be from the individually directed accounts of Flory and Hynes and they have directed that the proposed Loans be made;

(b) Bond, as independent fiduciary, will approve, monitor and enforce the terms of the Loans;

(c) Each individual Loan will be for the relatively short period of 180 days;

(d) The Loans will bear a high rate of interest which will in no event be less than 12 percent per annum;

(e) The Loans will be secured by a perfected security interest in collateral which will at all times have a value of at least 200 percent of the outstanding aggregatge Loan balances; and

(f) This is a temporary exemption for a five-year period.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

Because the accounts of Flory and Hynes in the Plan will be the only Plan assets involved in the proposed transactions, it has been determined that there is no need to distribute the notice of pendency to interested persons.

General Information

The attention of interested persons is directed to the following: (1) the fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed Loans by the individually directed accounts of Flory and Hynes to the Employer as herein described, provided that the terms and conditions of the Loans are not less favorable than those obtainable in a similar transaction with an unrelated third party.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 5th day of August, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards.

[FR Doc. 82–22094 Filed 8–12–82; 8:45 am]

BILLING CODE 4510–29–M

Proposed Exemption for Certain Transactions Involving the Shefsky, Saitlin & Froelich, Ltd. Employee's Profit Sharing Plan Located in Chicago, Illinois (Application No. D–3290)

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

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Code). The proposed exemption would exempt the proposed purchase by the individual account of Cezar M. Froelich in the Shefsky, Saitlin & Froelich, Ltd. Employee's Profit Sharing Plan (the Plan) of an interest in certain real estate. The proposed exemption, if granted, would affect Cezar M. Froelich and other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before Sept. 14, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–3290. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine D. Lewis of the Department, telephone (202) 523–8972. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of

the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustees of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with seven participants and net assets of $530,464 on May 31, 1981. The trustees of the Plan (the Trustees) are Messrs. Cezar M. Froelich (Froelich), Lloyd E. Shefsky, Sheldon I. Saitlin and Michael J. Schaller, all of whom are members of the law firm of Shefsky, Saitlin & Froelich, Ltd. (the Employer), a professional corporation located in Chicago, Illinois. Each participant in the Plan has the right to direct the investments of his own account in the Plan.

2. Froelich, a participant in the Plan, desires to invest a portion of his account (the Account) in a 58 percent interest (the Interest) in certain vacant real estate (the Property) which is adjacent to property already owned by him. Froelich states that the Interest would be an excellent investment for the Account due to the vary favorable purchase price of the Property and its location in a rapidly growing area. The seller of the Property is not related to the Employer or to Froelich. The remaining 42 percent interest in the Property will be purchased by Donald and Kathleen Koszyk (collectively, the Koszyks), who are also unrelated to the Employer and to Froelich.

3. The Property, which is located in Northfield, Illinois, was appraised on January 18, 1982 by Raymond J. Sullivan (Sullivan), an appraiser with Sullivan & Associates, Chicago, Illinois, who determined the fair market value of the Property on that date to be $165,000. Sullivan and Sullivan & Associates are independent of all parties to the proposed transaction. The proposed purchase price of the Property is $150,000, $87,000 of which will be paid by the Account. the $87,000 comprises approximately 84 percent of the assets of the Account. Froelich is 100 percent vested in the Account. The remaining $63,000 will be paid by the Koszyks.

4. The Plan's purchase of the Interest will be financed as follows: The Account will pay $50,000 in cash and take out a $37,000 mortgage (the Mortgage) from the American National Bank and Trust Company of Chicago, Illinois. The Mortgage will be made on a non-recourse basis as to the Plan, such that there can be no effect on other participants in the Plan. The Mortgage carries an interest rate of 16 percent, with a 25 year amortization schedule and a balloon payment at the end of the fifth year. No commissions will be paid by the Account with respect to the proposed purchase.

5. Title to the Property will be held in trust (the Trust) by the Suburban Trust and Savings Bank of Oak Park, Illinois, pursuant to a joint venture agreement (the Agreement), with the Account and the Koszyks designated as the beneficiaries of the Trust. The Agreement provides, among other things, that: (1) any expenditures for maintenance or improvement of the Property must be mutually agreed to by Froelich and the Koszyks; (2) any act encumbering the Property will require the unanimous consent, in writing, of both parties; and (3) both parties will have a right of first refusal should either of them decide to sell their interest.

6. The Account and the Koszyks will each pay fifty percent of the cost of all liability insurance, real estate taxes, trust fees, maintenance and other expenses incurred in connection with the Property. Any income derived from the Property, other than from its sale, will be divided equally between the Kosyzks and the Account. Should the Property be sold, profits (or losses) will be shared in accordance with the percentage of investment until the purchase price has been repaid, then all proceeds in excess of the original purchase of $150,000 will be divided equally. If, upon the sale of the Property, the Account does not recoup its initial capital investment in the Property, Froelich undertakes personally to contribute the amount of any such deficiency to the Account within ten days after such sale. It is not intended by the parties to this transaction that the Property will ever be used as income producing property. In the event that any income is derived, however, such income will be divided between the Account and the Kosyzks in proportion to their respective investment in the Property.

7. Froelich states that he believes the Interest will be a good and secure investment for the Account, as the purchase price of the Property is less than its appraised fair market value and similar lots in the immediate area of the Property have appreciated substantially over the last six years.

8. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act due to the following: (a) this transaction involves an individually directed account and cannot affect the accounts of other participants in the Plan; (b) the fair market value of the Property was determined by a qualified independent appraiser to be greater than the proposed purchase price; (c) no commissions will be paid by the Plan or the Account; and (d) Froelich states that the proposed purchase is a good investment for the Account and desires that it be consummated.

Notice to Interested Persons

Because only the Account of Cezar M. Froelich will be involved in the proposed transaction, it has been determined that there is no need to distribute the notice of pendency to interested persons.

General Information

The attention of interested persons is directed to the following: (!) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Codes, including any prohibited transactions provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act

and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and the beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed purchase of the Interest by the Account as herein described, provided that the purchase price of the Interest is not in excess of its fair market value on the date of sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 5th day of August, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards.

[FR Doc. 82-22097 Filed 8-12-82; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

National Advisory Committee on Oceans and Atmosphere; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Monday and Tuesday, August 30-31, 1982. The meeting will be held in Rooms 418 and B-100, Page Building #1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations and State and local government, was established by Congress by Pub. L. 95-63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of reports as may from time to time be requested by the President or Congress.

The Tentative Agenda is as follows:

Monday, August 30, 1982

Page Building #1, Room 418, 2001 Wisconsin Avenue NW., Washington, D.C.
9:00 a.m.-9:30 p.m.—Plenary
Announcements
9:30 a.m.-12:30 p.m.—Panel meetings
9:30 a.m.-12:30 p.m.—Radioactive Waste Disposal Chairman: John A. Knauss, Room 418
Topic: Deepseabed Disposal of Nuclear Waste
Speakers: Rip Anderson, Sandia National Laboratories, Department of the Navy Representaive
9:30 a.m.-12:30 p.m.—Coast Guard Review Chairman: Michael Naess, Room B-100
Topic: OMB Considerations
Speakers: Nicholas Stoer, Office of Management and Budget
12:30 p.m.-1:30 p.m.—Lunch
1:30 p.m.-5:00 p.m.—Panel meeting Ocean Satelites, Chairman: FitzGerald Bemiss, Room 418
Topic: Ocean Research and Satellites
Speakers: TBA
5:00 p.m.—Recess

Tuesday, August 31, 1982

Page Building #1, Room 418, 2001 Wisconsin Avenue NW., Washington, D.C.
8:30 a.m.-10:00 a.m.—Panel meeting Hydrology, Chairman: Paul Bock, Room 418
Topic: Work Session—Draft Report
10:00 a.m.-12:30 p.m.—Plenary
Topic: OCS Leasing and Fisheries Inputs
Speakers: Department of the Interior, Department of Commerce
12:30 p.m.-1:30 p.m.—Lunch
1:30 p.m.-3:30 p.m.—Plenary
1:00 p.m.-2:30 p.m.—Marine Transportation Report Don Walsh, Panel Chairman
2:30 p.m.-3:30 p.m.—Action Items and Panel reports
3:30 p.m.—Ajourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmospher, 3300 Whithaven Street, NW., Washington, D.C. 20235.

Dated: August 10, 1982.

Steven N. Anastasion,

Executive Director.

[FR Doc. 82-22035 Filed 8-12-82; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Media Arts Advisory Panel (Film/Video Exhibition: 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 Media Arts Advisory Panel (Film/Video Exhibition) to the National Council on the Arts will

be held August 30–31, 1982, from 9:30 a.m.—5:30 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

August 4, 1982.

[FR Doc.82–22002 Filed 8–12–82; 8:45 am]

BILLING CODE 7537–01–M

Museum Advisory Panel (Catalogue and Utilization);

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 Museum Advisory Panel (Catalogue and utilization) to the National Council on the Arts will be held on September 1–2, 1982, from 9:00 a.m.–5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E. Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

August 4, 1982.

[FR Doc. 82–22001 Filed 8–12–82; 8:45 am]

BILLING CODE 7537–01–M

Museum Advisory Panel (Conservation); 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 Museum Advisory Panel (Conservation) to the National Council on the Arts will be held on August 30–31, 1982, from 9:00 a.m.–5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

August 4, 1982.

[FR Doc. 82–22000 Filed 8–12–82; 8:45 am]

BILLING CODE 7537–01–M

Music Advisory Panel Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Jazz Individuals Prescreening) to the National Council on the Arts will be held on August 31, 1982 from 9:00 a.m.–6:00 p.m. in room 1340 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 82–22061 Filed 8–12–82; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255–OLA]

Consumers Power Company (Palisades Nuclear Power Facility); Order Scheduling Prehearing Conference

August 9, 1982.

A prehearing conference will commence at 9:30 a.m. on Tuesday, September 21, 1982, in the Berrien County courthouse, Board of Commissioners Room, 811 Port Street, St. Joseph, Michigan 49085.

The prehearing conference will be held to:

1. Inquire fully into the probable date of replacement of the steam generators and Consumers Power Company is directed to produce a person qualified and authorized to speak on its behalf on this subject in light of the following:

a. System reserve margins, inspection requirements, the condition of the old units with respect to derating, and other relevant factors;

b. The advisability and need to deliver the replacement steam generators to the site as soon as possible;

c. The status of the request for a permit under Great Lakes Submerged Lands Act, Act 247; and

d. The status of the following schedule milestones:

1. Complete soil investigation and test piles;

2. Complete design of barge slip;

3. Award of sheet piling contract;

4. Delivery of sheet piling
5. Driving of sheet piling; and
6. Dredging of channel.

2. Inquire into the status of the Environmental Impact Statement (EIS) herein and Staff is directed to produce a person qualified and authorized to speak on its behalf on this subject and the probable length of the time necessary to complete a draft EIS.

3. Determine whether it would be advantageous to the public interest and the parties herein to have an early resolution of the issues in this matter and, if so, whether early findings would retain their validity.

4. Inquire into the Board's authority to consider the potential forfeiture of an application fee paid by Consumers herein and the potential payment of another such fee in the event of a dismissal of this matter.

5. Determine the form and schedule the timing of discovery.

6. Schedule the time for presentation of evidence and making findings.

7. Any other matter raised by the Board or parties concerning this proceeding.

Dated at Bethesda, Maryland this 9th day of August 1982.

Atomic Safety and Licensing Board.

James A. Laurenson

Administrative Law Judge.

[FR Doc. 82-22103 Filed 8-12-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-409-FTOL; 50-409-SC]

Dairyland Power Cooperative (La Crosse Boiling Water Reactor) (Full-Term Operating License and Spent Fuel; Show-Cause); Reconstitution of Atomic Safety and Licensing Appeal Boards

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Boards for these proceedings. As reconstituted, the Appeal Board for each proceeding will consist of the following members: Stephen F. Eilperin, Chairman, Dr. John H. Buck, Thomas S. Moore.

Dated: August 9, 1982.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 82-22099 Filed 8-12-82; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Extension.

2. The title of the information collection: Domestic Licensing of Source Material, 10 CFR 40.

3. The form number if applicable: N/A.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: NRC licensees.

6. An estimate of the number of responses: 8,400.

7. An estimate of the total number of hours needed annually to complete the requirement or request: 11,905.

8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: 10 CFR 40 establishes requirements for the issuance of licenses to receive, possess, use, transfer or deliver source and byproduct material.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer Gwendolyn W. Pla, (202) 395-6880.

NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland this 9th day of August 1982.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 82-22102 Filed 8-12-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 81 and 75 to Facility Operating Licenses Nos. DPR-29 and DPR-30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company (the licensee), which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Units Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The amendments authorize deletion of all water quality requirements from the Appendix B Technical Specifications and replace the previous Appendix B Technical Specifications with an Environmental Protection Plan.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the deletion of these water quality requirements is a ministerial action required as a matter of law and that, therefore, no environmental impact appraisal and negative declaration needs to be prepared in connection with this action.

For further details with respect to this action, see: (1) The application for amendment dated July 16, 1981, (2) Amendment No. 81 to License No. DPR-29 and Amendment No. 75 to License No. DPR-30, and (3) the Commission's letter to the licensee dated August 6, 1982. 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 Moline Public Library, 504 17th Street, Moline, Illinois. 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 6 day of August, 1982.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-22100 Filed 8-12-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

Virgil C. Summer Nuclear Station, Unit No. 1; Issuance of Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. NPF-12 to the South Carolina Electric & Gas Company and the South Carolina Public Service Authority (the licenses) which authorizes operation of the Virgil C. Summer Nuclear Station, Unit 1, (the facility) at reactor core power levels not in excess of 2,775 megawatts thermal in accordance with the provisions of the License, the Technical Specifications and the Environmental Protection Plan with a condition currently limiting operation to five percent of full power (139 megawatts thermal). Authorization to operate beyond five percent of full power will require specific Commission approval.

The Virgil C. Summer Nuclear station, Unit 1 is a pressurized water reactor located in Fairfield County, South Carolina, approximately 26 miles northwest of Columbia, South Carolina and approximately one mile east of the Broad River, near Parr, South Carolina. The license is effective as of its date of issuance and shall expire at midnight on March 21, 2013.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. Issuance of this license has been authorized by the Atomic Safety and Licensing Board by its Partial Initial Decision, dated July 20, 1982 and its Supplemental Partial Initial Decision dated August 4, 1982. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on April 18, 1977 (42 FR 20203).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details in respect to this action, see: (1) Facility Operating License NFP-12 complete with Technical Specifications and the Environmental Protection Plan; (2) the report of the Advisory Committee on Reactor Safeguards, dated March 18, 1981; (3) the Commission's Safety Evaluation Report, dated February 1981 (NUREG-0717), and Suppplement No. 1, dated April 1981, Supplement No. 2, dated May 1981, Supplement No. 3, dated January 1982 and Supplement No. 4, dated August 1982; (4) the Final Safety Analysis Report and Amendments thereto; (5) the Final Environmental Statement, dated May 1981, (NUREG-0719); (6) the Environmental Report, dated February 1977, and supplements thereto and (7) the Initial Decisions of the Atomic Safety and Licensing Board, dated July 20, 1982 and August 4, 1982.

These items are available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180. A copy of Facility Operating License NPF-12 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and its Supplements (NUREG-0717) and the Final Environmental Statement (NUREG-0719) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 528 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders may call 301-492-9530.

Dated at Bethesda, Maryland, this 6th day of August 1982.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 82-22101 Filed 8-12-82; 8:45 am]

BILLING CODE 7590-01-M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 [5 U.S.C. 552a], the Occupational Safety and Health Review Commission, hereafter referred to as the Commission, or OSHRC, proposes to establish a new system of records. The proposed new system, entitled "Cases pending in the General Counsel's Office, OSHRC-11," is to be used by the Office of the General Counsel (OGC) of the Commission to help it in managing its caseload.

The Office of Management and Budget (OMB), which has oversight responsibility under the Privacy Act, requires a 60-day period in which to review the proposal before it is implemented. If acceptable to OMB, the new system of records will be implemented on October 11, 1982, without any further notice in the **Federal Register**. Further, a report has been filed with the President of the Senate, the Speaker of the House of Representatives, and the Director of OMB in accordance with 5 U.S.C. 552a(o).

Congress, OMB, and the public may address any comments to the Executive Director, Occupational Safety and Health Review Commission, Room 409, 1825 K Street, NW., Washington, D.C. 20006.

Dated at Washington, D.C. on August 6, 1982.

Ray H. Darling, Jr.,

Executive Secretary.

OSHRC-11

SYSTEM NAME:

Cases pending in General Counsel's Office.

SYSTEM LOCATION:

Office of the Executive Secretary, OSHRC, Room 401, 1825 K Street, N.W., Washington, D.C. 20006

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

OSHRC attorneys (including supervisory attorneys) who have been assigned cases by OGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records of cases before the Commission which have been assigned to OGC for processing. It identifies the case by name and docket number, identifies attorneys (including supervising attorneys) who most recently have been assigned to work on the case, and contains the most recent dates of the various stages in the progress of the case, starting with assignment to OCG and ending with issuance of a decision.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 661(d)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

These records are used by the General Counsel and his staff to make management decisions with respect to

case processing activities. These records are not disseminated outside of the Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on magnetic disk for reproduction in report form.

RETRIEVABILITY:

A record is retrievable by case name, docket number, date of case activity, name of attorney or supervising attorney, or division of OGC.

SAFEGUARDS:

Reports generated from this system are stored in file cabinets. Magnetic disks require a key for access. Access to and use of the records are limited to those whose official duties require such access.

RETENTION AND DISPOSAL:

Information on magnetic disks are retained permanently. Reports generated from the system are kept for as long as they are needed for case management purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary, OSHRC, Room 401, 1825 K Street, N.W., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Individuals interested in inquiring about records should notify: Executive Director, OSHRC, Room 409, 1825 K Street, N.W., Washington, D.C. 20006.

RECORD ACCESS PROCEDURE:

Individuals who wish to gain access to their records should notify in writing, including their name, the Executive Director.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information in this system is derived from the individual to whom it applies or is derived from case processing records maintained by the Office of the Executive Secretary and OGC.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-22003 Filed 8-12-82; 8:45 am]
BILLING CODE 7600-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0319]

Atlantic Energy Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company

On October 19, 1981, a Notice was published in the **Federal Register** (46 FR 51355) stating that Atlantic Energy Capital Corp., One Post Office Square, Suite 1760, Boston, Massachusetts 02109, had filed an application with the Small Business Administration pursuant to § 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1982)), for a license to operate as a small business investment company.

Interested parties were given until the close of business November 3, 1981, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on July 27, 1982, issued License No. 01/01-0319 to Atlantic Energy Capital Corporation, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: August 9, 1982.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 82-22176 Filed 8-12-82; 8:45 am]
BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2057]

Pennsylvania; Declaration of Disaster Loan Area

Philadelphia, Bucks and Montgomery Counties in the State of Pennsylvania constitute a disaster area as a result of heavy rain occurring on July 28, 1982, which caused flash flooding and severe damage to the citizens of the affected counties. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 4, 1982, and for economic injury until the close of business on May 4, 1983, at the address listed below: U.S. Small Business Administration, One Bala Cynwd Plaza, 231 St. Asaphs Road, Bala Cynwd, Pennsylvania 19004; or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are:

Homeowners with credit available elsewhere: (14¾%)
Homeowners without credit available elsewhere: (7⅜%)
Businesses with credit available elsewhere: (15½%)
Businesses without credit available elsewhere: (8%)
Businesss (EIDL) without credit available elsewhere: (8%)
Other (non-profit) organizations including charitable and religious organizations): (111/2%)

It should be noted that assistance for agriculture enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96.302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: August 4, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-22175 Filed 8-12-82; 8:45 am]
BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Louisville, Kentucky, will hold a public meeting at 9:00 a.m., on Tuesday, August 24, 1982, at the Top of The Tower, 101 S. 5th Street, Louisville, Kentucky, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call B. R. Wells, District Director, U.S. Small Business Administration, P.O. Box 3517, Louisville, KY 40201; (502) 582-5971.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

August 9, 1982.

[FR Doc. 82-22167 Filed 8-12-82; 8:45 am]
BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The Small Business Administration Region IV Advisory Council located in the geographical area of Birmingham, Alabama, will hold a public meeting at 9:00 a.m., on Friday, August 27, 1982, South Twentieth Building, 908 South 20th Street, Room 202, Birmingham, Alabama, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call James C. Barksdale, District Director, U.S. Small Business Administration, 908

South 20th Street, Room 202, Birmingham, Alabama (205) 254–1341.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

August 9, 1982.

[FR Doc. 82–22168 Filed 8–12–82; 8:45 am]

BILLING CODE 8025–01–M

Region IV Advisory Council; Public Meeting

The Small Business Administration Region IV Advisory Council located in the geographical area of Atlanta, will hold a public meeting from 9:00 a.m. to 1:00 p.m., on Friday, August 27, 1982, at the Peachtree—Twenty-Fifth Building, 1718 Peachtree Road, N.W., Room 108, Atlanta, Georgia, to discuss such business as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Clarence B. Barnes, District Director, U.S. Small Business Administration, 1720 Peachtree Road, N.W., Atlanta, Georgia 30309; (404) 881–4749.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

August 10, 1982.

[FR Doc. 82–22170 Filed 8–12–82; 8:45 am]

BILLING CODE 8025–01–M

Region VI Advisory Council; Public Meeting

The Small Business Administration, Region VI Advisory Council, located in the geographical area of San Antonio, will hold a public meeting at 8:30 a.m., on Tuesday, August 31, 1982, at the Federal Building, 727 East Durango, Room B–120 (1st Floor), San Antonio, Texas 78206, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Julio G. Perez, District Director, U.S. Small Business Administration, Federal Building, Room A–513, 727 E. Durango, San Antonio, Texas 78206; (512) 229–6105.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

August 10, 1982.

[FR Doc. 82–22171 Filed 8–12–82; 8:45 am]

BILLING CODE 8025–01–M

Region VII Advisory Council; Public Meeting

The Small Business Administration, Region VII Advisory Council, located in the geographical area of Des Moines, will hold a public meeting at 10:00 a.m., on Thursday, September 2, 1982, at the Federal Building—210 Walnut Street, Room 749, Des Moines, Iowa, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Conrad E. Lawlor, District Director, U.S. Small Business Administration, 210 Walnut, Room 749, Des Moines, Iowa 50309; 515–284–4567.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

August 10, 1982.

[FR Doc. 82–22169 Filed 8–12–82; 8:45 am]

BILLING CODE 8025–01–M

Region IX Advisory Council; Public Meeting

The Small Business Administration, Region IX Advisory Council, located in the geographical area of Honolulu, Hawaii, will hold a public meeting at 9:30 a.m., on Tuesday, August 24, 1982, at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Room 6323 (6th Floor), Honolulu, Hawaii, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call David K. Nakagawa, District Director, U.S. Small Business Administration, 300 Ala Moana Boulevard, Room 2213, Honolulu, Hawaii 96850; (808) 546–8950.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

August 10, 1982.

[FR Doc. 82–22172 Filed 8–12–82; 8:45 am]

BILLING CODE 8025–01–M

Region IX Advisory Council; Public Meeting

The Small Business Administration, Region IX Advisory Council, located in the geographical area of Phoenix, Arizona, will hold a public meeting at 9:30 a.m., on Tuesday, August 31, 1982, NLRB Conference Room B (4th Floor), 3030 North Central Avenue, Phoenix, Arizona, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Walter Fronstin,, District Director, U.S. Small Business Administration, 3030 North Central Avenue, Room 1201, Phoenix, Arizona (602) 241–2206.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

August 10, 1982.

[FR Doc. 82–22174 Filed 8–12–82; 8:45 am]

BILLING CODE 8025–01–M

Region IX Advisory Council; Public Meeting

The Small Business Administration, Region IX Advisory Council, located in the geographical area of San Francisco, will hold a public meeting at 9:30 a.m., on Thursday, August 26, 1982, San Francisco District Office, U.S. Small Business Administration, Conference Room, 211 Main Street, 4th Floor, San Francisco, California 94105, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Donald J. Marvin, District Director, U.S. Small Business Administration, 211 Main Street, 4th Floor, San Francisco, California 94105; (415) 974–0642.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

August 10, 1982.

[FR Doc. 82–22173 Filed 8–12–82; 8:45 am]

BILLING CODE 8025–01–M

Region X Advisory Council, Anchorage District Office; Public Meeting

The U.S. Small Business Administration Region X, Anchorage District Office, Advisory Council meeting will be held September 1, 1982. The meeting will take place at 10:00 a.m. in Room 1068, Module G located at 8th and C Streets. The meeting will be held for the discussion of matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Frank D. Cox, District Director at Federal Building, Box 67, 701 C Street, Anchorage, Alaska 99513; phone: 907–271–4022.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

August 9, 1982.

[FR Doc. 82–22166 Filed 8–12–82; 8:45 am]

BILLING CODE 8025–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-33]

Tool and Stainless Steel Industry Committee and United Steelworkers of America; Initiation of Investigation

On June 23, 1982, the Chairman of the Section 301 Committee received a petition from the Tool and Stainless Steel Industry Committee and United Steelworkers of America alleging that the Government of Belgium provides subsidies on the production of stainless steel sheet and strip, plate and wire rod in a manner which is inconsistent with the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (the "Subsidies Code"), and which is unreasonable and a burden on U.S. commerce. The petition was filed pursuant to Section 301 of the Trade Act of 1974, as amended (18 U.S.C. 2411 *et seq.*). On August 9, 1982 the United States Trade Representative decided to initiate an investigation, pursuant to 19 U.S.C. 2412 (a), with respect to stainless steel sheet and strip and stainless steel wire rod. He declined to proceed with an investigation regarding Belgian exports of steel plate since shipments to the U.S. have been insignificant during the past three years.

The text of the petition is printed below. The petition also includes a number of Tables and Exhibits which are available in Room 223 of the Office of the United States Trade Representative, 600 17th Street NW., Washington, D.C. 20506 (202) 395-3432.

Interested parties are invited to submit their views concerning the allegations in the petition. Submissions should be filed in accordance with the procedures set forth in 15 CFR 2006.8 on or before September 10, 1982. In order to provide interested parties the opportunity to contest information submitted by other interested parties, rebuttal briefs may be filed in accordance with the requirements of 15 CFR 2006.8 on or before September 24, 1982.

Jeanne S. Archibald,

Chairman, 301 Committee.

August 9, 1982.

In the matter of members of the Tool and Stainless Steel Industry Committee and the United Steelworkers of America; Petitioners; Petition for relief under Section 301 of the Trade Act of 1974, as amended.

This petition is filed on behalf of the specialty steel industry of the United States by members of the Tool and Stainless Steel Industry Committee and the United Steelworkers of America pursuant to 15 CFR 2006.0(b) (1980) and section 301 *et seq.* of the Trade Act of 1974, as amended, 19 U.S.C. 2411 *et seq.* (Supp. III 1979) (hereinafter the "1974 Trade Act"). The dramatic increase in imports of specialty steel products from certain producers in Belgium has burdened or restricted U.S. commerce and has caused or threatened to cause injury to the U.S. domestic industry. This increase in imports is largely the result of the bestowal of unreasonable and discriminatory government subsidies by the Belgian Government, which is often facilitated through its partial ownership of some of the companies in question. The use of these subsidies violates obligations arising under the provisions of the General Agreement on Tariffs and Trade (hereinafter the "General Agreement") and the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (hereinafter the "Subsidies Code") and in so doing burdens and restricts U.S. commerce.

I. Petitioners

Petitioners are members of the Tool and Stainless Steel Industry Committee, (hereinafter "TSSIC"), a nonprofit corporation and a trade association representing 17 domestic producers of tool and stainless steel. A list of the TSSIC members filing this petition is included in Exhibit I. The United Steelworkers of America (hereinafter "USW"), representing most of the employees in this industry, are also petitioners in this action.

TSSIC and USW have closely monitored the growth of imports of specialty steel products from Belgium. Both groups are deeply concerned that despite the technological superiority of U.S. specialty steel producers, Belgian steel producers (some of which are highly subsidized or are partially owned and controlled by the government) have captured an increased share of the specialty steel markets in this country. The growth in imports has directly contributed to plant closings and increased unemployment in the domestic industry. Import growth has also resulted in significant reductions in profits for all domestic firms as well as financial losses by some of the most efficient U.S. companies. Belgium is one of many countries contributing to this state of affairs. The injury caused by these practices threatens the ability of the industry to reinvest and thereby maintain its high level of innovation and technological efficiency. Indeed, these practices, when combined with those of other subsidizing countries, have so distorted competition in the domestic specialty steel market that the very existence of the U.S. industry is at risk.

II. Statutory Basis for This Petition

This petition arises under section 301(a)(2)(A) and (2)(B) of the Trade Act of 1974, as amended, 19 U.S.C. 2411 (Supp. III 1979), Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade, and Articles 8, 11, 12 and 13 of the Subsidies Code.

Government subsidies to Belgian producers of specialty steel have contributed to increased import penetration in the U.S. market, have caused the U.S. specialty steel industry to suffer injury, and threaten to cause further injury, through the impact of these subsidies on domestic competition. Such subsidies violate commitments made pursuant to Articles 8 and 11(2) of the Subsidies Code, that parties seek to avoid subsidies causing such adverse effects. Articles 12(3) and 13(2) of the Subsidies Code provide that signatories may request consultations or, failing that, refer certain matters to conciliation or dispute settlement if a signatory has reason to believe any subsidy causes injury to its domestic industry or nullifies or impairs benefits accruing to it under the General Agreement. Furthermore, Article 13(4) provides that if the Committee on Signatories concludes that a subsidy is being granted or maintained in such a manner as to cause injury, the Committee shall make recommendations as may be appropriate. If those recommendations are not followed, the Committee may authorize such countermeasures as may be appropriate, taking into account the degree and nature of the adverse effects found to exist. To enforce these provisions, section 301(a)(2)(A) of the 1974 Trade Act authorizes the President to respond to any act which is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement (*e.g.*, the Subsidies Code).

Section 301(a)(2)(B) provides that the United States may respond to any practice of a foreign government "which is unjustifiable, unreasonable or discriminatory and burdens or restricts United State commerce." Foreign government subsidies on specialty steel are also actionable under this statutory provision as an unreasable burden on U.S. commerce, regardless of whether or not they are directly actionable under the Subsidies Code.

III. Foreign Countries Which Are the Subject of This Petition

Belgium, a member of the European Economic Community ("E.C."), is the subject of this petition. The E.C. signed the Subsidies Code on behalf of all of its member states including Belgium.

IV. Foreign Products Which Are the Subject of This Petition

The specialty steel products for which the rights of the United States under the General Agreement, Subsidies Code and section 301 are being denied include stainless steel sheet and strip;[1] stainless steel plate;[2] and stainless steel wire rod.[3]

V. Requests for Other Relief

Pursuant to section 201 of the Trade Act of 1974, 19 U.S.C.A. 2251 (1978), specialty steel companies representing approximately 75 percent of U.S. production and the United Steelworkers of America representing more than 70 percent of the industry's employees filed a petition with the U.S. International Trade Commission ("ITC") on July 16, 1975, seeking import relief from foreign producers. Following an affirmative ITC determination,[4]

[1] TSUSA nos. 607.7610, 607.9010, 607.9020, 608.2600, 608.2900, 608.4300, 608.5700.

[2] TSUSA nos. 607.7605, 607.9005.

[3] TSUSA nos. 607.2600, 607.4300.

[4] Stainless Steel and Alloy Tool Steel, Inv. No. TA-201-5 USITC Pub. No. 756 (1976).

the President established a three-year import restraint program for specialty steel effective June 14, 1976.[5] Among the elements of this program were an orderly marketing agreement ("OMA") with Japan and quotas on imports from the European Economic Community.

The industry subsequently petitioned the ITC for an extension of the existing program, as authorized by section 203(i)(3) of the Trade Act of 1974, 19 U.S.C.A. § 2253(i)(3) (1978). Although the ITC voted 2–2 on the question of continued relief,[6] the President chose to phase out the quotas over an eight month period ending February 1980.[7]

TSSIC and the United Steelworkers of America filed an action on January 12, 1982 pursuant to section 301 of the Trade Act of 1974, as amended, 19 U.S.C. 2411 *et seq.* (Supp. III 1979). The petition challenged the bestowal of subsidies by the governments of Austria, Brazil, Sweden, Belgium, France, Italy and the United Kingdom as violating obligations arising under the provisions of the General Agreement on Tariffs and Trade, and the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade. This petition has been accepted as to Austria, Sweden, France, Italy and the United Kingdom, and is currently under investigation in the Office of the United States Trade Representative. The complaint as to Brazil was dismissed pursuant to article 14(6) of the Subsidies Code and the original case against Belguim was dismissed without prejudice pending the submission of additional information by petitioners.

Certain TSSIC members have filed antidumping cases against stainless steel sheet and strip products from France and West Germany, and countervailing duty cases have been filed against Spanish and Brazilian imports of bar and rod. All of these cases are currently pending before the ITC and the Department of Commerce.

VI. Foreign Practices Which Are the Subject of This Petition

A. *The U.S. Specialty Steel Industry.*

The U.S. specialty steel industry is separate and distinct from large integrated carbon steel producers because the specialty steel end product is a high-alloy and high performance material not amenable to mass production. Furthermore, the U.S. specialty steel industry is a world leader in technological advancement and is cost-competitive with its foreign competitors. Like the integrated carbon steel industry, however, the domestic industry has been losing market share as a result of the relentless assault of imports, which are frequently dumped or subsidized by foreign governments.

Technologically modern and efficient, the U.S. specialty steel industry is ready and able to compete with fair competition from all quarters. The unfair subsidy practices of foreign governments such as Belgium, however, have enabled foreign producers to capture an ever increasing share of the U.S. market over the past year-and-a-half. This is particularly significant since domestic demand has remained relatively constant or has declined over the same period. Nevertheless, in certain product areas import penetration has exceeded the levels in 1975 and 1976 when the U.S. government granted the industry import relief. Because the U.S. specialty steel industry is relatively small, this degree of import penetration becomes particularly injurious.

B. *Belgian Subsidy Practices.*

In the case of Belgium, U.S. specialty steel companies must compete with firms that are either owned by their government, or that are the beneficiaries of generous financial assistance from their government. Historically, the Belgian Government has provided incentives to certain industries, most notably steel. Some of these incentives are under the general incentive law dating from July 17, 1959 (Exhibit 2) and regional incentive law of December 30, 1970 (Exhibit 3). The general incentives are available for investments of particular technological or sectoral interest anywhere in Belgium. Regional aids are available for companies that create employment in designated development areas. The incentives offered by these two laws are comparable, although the regional law provides additional tax advantages. Among the tax incentives provided are: (1) Tax exemptions for capital grants used for investments in tangible or intangible assets; (2) exemptions from real property taxes for a maximum period of five years; and (3) accelerated depreciation for three successive tax years on machinery, plant and equipment which have been acquired as a result of subsidized investments. As noted below, Belgian carbon steel producers have benefited by these and other subsidies. Petitioners believe these incentives also have been repeatedly used by Belgian specialty steel producers.

Two Belgain firms in particular have been a source of great concern to the U.S. special steel industry: stainless flat-rolled producer, A.L.Z., which is partially owned by the Belgian government; and (2) Belgium's stainless wire rod producer, Usine Emile Henricot which, as recently as last February 1982, was rescued from bankruptcy by the Belgian Government. These two firms are the only commercial producers of specialty steel in Belgium, although Cockerill-Sambre, the integrated, state-controlled producer, does produce some specialty steel for internal use.

1. *A.L.Z.* After Allegheny-Ludlum disposed of its equity stake in A.L.Z., the company became a subsidiary of Cockerill S.A. which held 73.91 percent of A.L.Z.'s equity in 1978. At that time there were three other shareholders: (1) N.V. Kempense Investeerings-Vennootschap, a state-owned regional investment company; (2) Nippon Yakin Kogyo, a Japanese producer of cold-rolled stainless steel sheet; and (3) the Industrial Bank of Japan. Cockerill eventually agreed to sell its entire holding in A.L.Z. to the West German firm Kloeckner. At the same time the Belgian Government, which was anxious to prevent the country's major stainless steel producer from passing into German control, decided to increase its stake in A.L.Z. The company was under capitalized so this was done by the government's subscribing *Bfr 398 million of fresh equity capital* in May 1979. Nippon Yakin Kogyo sold its stake at that time and the Bank of Japan has since disposed of its interest (see Exhibit 4).

The current ownership of the equity of A.L.Z. is therefore as follows:

Belgian state: 24 percent
N.V. Kempen Investings-Venootschap: 28 percent
Kloeckner: 48 percent

A.L.Z. is effectively controlled by the Belgian state through its two public shareholdings which amount to 52 percent.

In addition, petitioners are aware of the following government actions which we believe constitute subsidies under article 11 of the Subsidies Code:

1. As part of the *Bfr 44 billion* investment program to modernize the Belgian steel industry, the government guaranteed loans raised by A.L.Z. in order to finance a new annealing and pickling line. The investment was to total approximately *BFR 3.5 billion* of which the government share of the investment was *Bfr 416 million.*[11]

2. In 1981, the Belgian government unveiled a new 20 point Restructuring Plan which, although issued in connection with the merger of Cockerill and Hainaut-Sambre, did provide that other steelmaking companies in which the state holds a share would be entitled to financial treatment equivalent to that of Cockerill Sambre.[12] Under this arrangement, A.L.Z. was to receive *Bfr 2.4 billion* of which *Bfr 270 million* would be for former losses in government aid, *Bfr 1.1 billion* for investments, and *Bfr 1 billion* in drawing rights for future losses. Ironically, this was only half of what A.L.Z. was to have received if the scheme provided for in the Restructuring Plan was properly implemented.[13]

2. *Henricot.* On December 21, 1981, Belgian stainless wire rod producer Henricot was declared legally bankrupt, but continued operations in the hope of receiving government assistance. The bankruptcy was suspended by a trade court in Nivelles when the state industry financing body granted the firm a *state guaranteed credit of Bfr 125 million.* Government loans totalling *Bfr 500 million* were promised the firm on the condition that a consortium of banks opened up a line of credit of an additional *Bfr 300 million.* During the period between the declaration of bankruptcy and the reestablishment of the firm as a going concern, the company's production had not been interrupted for more than a day.

Henricot is now in the process of becoming a state-controlled entity with the Walloon Regional Government soon to become the majority shareholder.

3. *Cockerill-Sambre.* Belgium's principal integrated producer, Cockerill-Sambre, is currently a producer of stainless steel. This production, however, is solely for internal use and so Cockerill has not exported in the past.

[5] 41 FR 24101 (1976).
[6] Stainless Steel and Alloy Tool Steel, Inv. No. TA–203–5, USITC Pub. No. 968 (1979).
[7] 44 FR 41362 (1979).

[11] *Metal Bulletin,* July 18, 1980 (see Exhibit 5).
[12] *Tijd.* Aug. 4, 1981 at 1 (see Exhibit 6).
[13] *Metal Bulletin,* Jan. 26, 1982 (see Exhibit 7).

The Commerce Department recently preliminarily determined that Cockerill-Sambre is the beneficiary of massive government subsidies. Certain Steel Products from Belgium, 42 FR 26300 (1982). Among the subsidies found to be bestowed upon Cockerill-Sambre are capital grants, loan guarantees, exemptions from real property taxes, exemptions from capital registration taxes, loans to uncreditworthy companies, equity participation by the Government of Belgium, assumption of financing costs, labor assistance, and preferential loans. These subsidies were worth billions and amounted to *ad volorem* rates ranging between 20–21 percent on the carbon steel products involved in the Commerce Department investigation.

The Commerce Department determination of subsidies to Cockerill-Sambre is significant for at least two reasons. First, many of the subsidies which benefitted Cockerill-Sambre were available to and received by A.L.Z. and Henricot. Second, although Cockerill-Sambre is not now an exporter of stainless steel to the United States, it has taken a renewed interest in specialty steel and represents potential future imports.

Despite the money problems it faces in the carbon steel area, Cockerill-Sambre has revealed its plan to build a new specialty steel works at Charleroi.[14] Cockerill also manages specialty steel maker Laminoirs de Jemappes, a company the government had earlier rescued from bankruptcy. Jemappes in 1981 received *Bfr 183 million* for aid in financing its current investment program.[15] The massive subsidies available to Cockerill, combined with the increased attention that company appears to be giving to specialty steel production, is of great concern to the domestic industry to the extent that Cockerill may ultimately decide to export some of that steel to the United States. If this were to be the case, the nature and extent of the government's subsidization of Cockerill will be directly relevant to this investigation.

VII. Legal Justification for This Petition

A. Belgian Subsidies to Specialty Steel Producers Are Inconsistent With International Obligations Undertaken by Signatories to the General Agreement and the Subsidies Code

The aforementioned acts, policies and practices of the Belgian Government are inconsistent with obligations undertaken by that country as a signatory to the Subsidies Code. They are in violation of commitments in the Code that the parties avoid any subsidies which cause or threaten to cause injury to another signatory. Specifically, article 8 of the Subsidies Code provides that signatories agree that they shall seek to avoid causing, through the *use of any subsidy*, injury to the domestic industry of another signatory. Moreover, article 11, though recognizing that subsidies *other than export subsidies* are widely used as important instruments for the promotion of social and economic policy objectives, provides that signatories should also recognize that such subsidies may cause or threaten to cause injury to a domestic industry of another signatory or serious prejudice to the interests of another signatory or may nullify or impair benefits accruing to another signatory under the General Agreement, in particular where such subsidies would adversely affect the conditions of normal competition. *Signatories shall therefore seek to avoid causing such effects* through the use of subsidies (emphasis added).[16]

Thus, in two separate articles, the Code establishes an obligation that parties should seek to avoid causing or threatening to cause injury through the granting of domestic subsidies. The Code enumerates several examples of such subsidies including; government financing of commercial enterprises through grants, loans or guarantees; government provision or government financing provision of utility or other support services; financing of research and development programs; fiscal incentives; and government subscription to, or provision of, equity capital.[17] This list is intended to be merely illustrative and not exhaustive. To the extent the Belgian incentives, loans, guarantees, grants, and subscriptions of equity capital to Henricot and A.L.Z. have injured or threaten to injure the domestic specialty steel industry, they are actionable under the Code. Moreover, to the extent that Cockerill begins to commercialize its specialty steel production, thereby posing a major threat to the U.S. market, the seemingly unlimited subsidies available to that producer also become actionable under the Code.

Article 12 of the Subsidies Code provides for consultations between a signatory complaining of (1) an export subsidy being granted or maintained by another signatory in a manner inconsistent with the Code;[18] or (2) *any subsidy granted or maintained by another signatory where the effect causes injury to its industries, nullification or impairment of benefits under the GATT, or serious prejudice to its interests as a GATT signatory* (emphasis added).[19] Furthermore, the code in article 13 provides that if consultation under article 12 fails to resolve an issue, the signatory may refer the matter to the GATT Committee of signatories for conciliation and dispute settlement under procedures provided for in the General Agreement. If these vehicles fail, the Committee may make final recommendations to the parties as may be necessary to resolve the issue. If these recommendations are not followed, it may authorize such countermeasures as may be appropriate, taking into account the nature of the adverse effects found to exist.

In sum, the Subsidies Code not only recognizes an *obligation* on the part of the signatories to avoid the use of harmful subsidies, it also provides a *hierarchy of remedies* for signatories who are adversely affected by the granting of such subsidies.

Section 301(a)(2)(A) of the Trade Act of 1974, as amended, requires the President to respond to "any act, policy or practice of a foreign country that is *inconsistent with the provisions of, or otherwise denies benefits* to the United States under, any trade agreement" (emphasis added).[20]

The legislative history of the Act provides that

* * * the benefits to the United States from the various nontariff agreements negotiated in the MTN depend very heavily on the vigorous insistence by the United States that its rights be secured and that other countries carry out their obligations under the agreements. Absent such insistence, including the use of dispute settlement procedures, agreements such as have been negotiated on subsidies, countervailing duties * * * will become largely one-way streets whereby the United States assumes obligations without reciprocity and whereby the benefits for international trade are substantially reduced * * *.[21]

The subsidies granted by the Belgian Government to its specialty steel producers are inconsistent with obligations set forth in articles 8 and 11(2) of the Subsidies Code in that:

(1) They have caused injury to the specialty steel industry of the United States; and

(2) They threaten to cause injury to the U.S. industry.

B. Belgian Subsidies to Specialty Steel Producers Are Unreasonable and Also Burden and Restrict U.S. Commerce

Regardless of whether the foreign subsidies in question are inconsistent with obligations under the Subsidies Code, section 301(a)(2)(B) authorizes the President to respond to any "unreasonable" foreign practices that burden or restrict U.S. commerce. The Belgian Government subsidies in question are unreasonable and have seriously restricted the growth of the U.S. industry. In some instances, high levels of imports have caused domestic producers to withdraw completely from production of certain product lines.

For purposes of this section, unreasonable acts are defined as acts "which are not necessarily illegal, but which nullify or impair benefits accruing to the United States under trade agreements or which otherwise discriminate against or hinder U.S. commerce."[22] Among the acts, policies of practices originally contemplated by the Trade Act of 1974 are subsidies on foreign exports or *other incentives having the effect of subsidies* on foreign exports which have the effect of substantially reducing sales of competitive products in the United States.[23] Examples of such incentives include: explicit cash payments; implicit payments by means of loans at preferential interest rates; implicit payments through provisions of goods and services at prices or fees below market value; or even subsidies for the construction of vessels used in the commercial transportation by water of goods between foreign countries and the United States.[24]

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[14] *Metal Bulletin*, Oct. 30, 1981 (Exhibit 8).

[15] *Metal Bulletin*, Dec. 20, 1981 (Exhibit 9).

[16] Subsidies Code, Article 11 ¶2.

[17] Subsidies Code, Article 11 ¶3.

[18] Subsidies Code, Article 12 ¶1.

[19] Subsidies Code, Article 12 ¶3.

[20] 19 U.S.C. 2411 (Supp. III 1979).

[21] *See* S. Rep. No. 249, 96th Cong., 1st Sess. 236 (1979) (hereinafter "S. Rep.").

[22] S. Rep. at 234.

[23] *Id.* at 235.

[24] *See* S. Rep. No. 1298, 93d Cong., 2d Sess. 164 (1974).

All acts, policies or practices covered by section 301, as enacted in 1974, are also covered by section 301 as amended by the Trade Agreements Act of 1979.[25] Moreover, the broad nature of the new language in section 301(a)(2)(B) also covers acts or practices, and applies to countries, *not* subject to a trade agreement.[26]

Petitioners raise this alternative theory to show that, regardless of whether or not the GATT finds it appropriate to challenge the Belgian subsidies under the Subsidies Code, these subsidies are nevertheless actionable under U.S. law based on a showing of "unreasonableness" and a showing that they burden or restrict U.S. commerce. The industry further contends that the U.S. government has an obligation under section 301 to respond unilaterally if the multilateral approach fails.

VIII. Injury to the U.S. Industry due to Unfairly-Traded Imports From Belgium

A. Imports

U.S. specialty steel imports from Belgium have been concentrated in three product lines: stainless steel sheet and strip, stainless steel plate, and stainless steel rod. These imports, benefitting from unfair government subsidies, have grown rapidly since 1979, contributing substantially to the injury being suffered by producers of these products. Tables 1 to 4 present data on domestic shipments, imports, exports, apparent consumption and import penetration.

1. *Sheet and Strip.* U.S. imports of stainless steel sheet and strip from all sources increased by 16 percent between 1979 and 1981, and by 173 percent between the first quarters of 1981 and 1982. Belgian exports to the United States of these products rose much faster than total imports—by 1,990 percent from 1979 to 1981, and by 636 percent between the first quarter of 1981 and the first quarter of 1982. The level of these imports in the first quarter of 1982—1,612 tons—was substantially greater than that during the entire years or 1979, 1980 and 1981. Belgium's share of total U.S. imports of sheet and strip also increased, from 0.1 percent in 1979 to 2.1 percent in 1981, and to 5.6 percent in the first quarter of 1982.

Market penetration by imports from all sources also rose, from 7.1 percent in 1979 to 9.2 percent in 1981. Between the first quarters of 1981 and 1982, total import penetration more than tripled, increasing from 5.2 percent to 16.9 percent.

Import penetration by Belgian articles rose more rapidly than imports overall. These products increased their market share from nil to 0.2 percent between 1979 and 1981, and to 0.9 percent in the first quarter of 1982.

2. *Plate.* Total imports of stainless steel plate also have registered substantial increases. Between 1979 and 1981, these imports rose by 10 percent, and from the first quarter of 1981 to the first quarter of 1982 by 312 percent. Plate imports from Belgium, while fluctuating over time, accounted for substantial portions of total U.S. imports during some periods. In 1980, for example, imports of Belgian plate accounted for nearly 12 percent of U.S. plate imports, and in the first quarter of 1980 for 26 percent of such imports. Imports of Belgian plate in 1981 were 223 percent higher than in 1979, and the third and fourth quarter 1981 levels were higher than for the full year 1979. Thus, imports of Belgian plate, while not increasing as steadily as imports of Belgian sheet and strip, have increased overall. Further, their flexibility in the past indicates that they could increase rapidly at any time.

3. *Rod.* Imports of stainless steel rod from all sources rose by 37 percent between 1979 and 1981, and by 53 percent from the first quarter of 1981 to the first quarter of 1982. Total import penetration rose from 31.5 percent to 44.9 percent between 1979 and 1981, and from 36.3 percent to 53.9 percent between the first quarters of 1981 and 1982.

Imports from Belgium of stainless steel rod increased absolutely and in market share over these periods, as well. Imports of Belgian rod nearly doubled between 1979 and 1981, accounting for 9.6 percent of total U.S. rod imports in 1981. Market penetration by such products doubled from 2.1 percent in 1979 to 4.2 percent in 1981, and stood at 5.2 percent in the fourth quarter of 1981.

B. Effect on Domestic Shipments, Production, and Capacity Utilization

The increases in imports of stainless steel sheet and strip, plate, and rod from Belgium, at a time of declining domestic demand for these products, have been important factors in the injury being sustained by the producers of these products.

1. *Sheet and Strip.* Apparent domestic consumption of stainless steel and strip fell by 11 percent from 1979 to 1981, and by 17 percent between the first quarters of 1981 and 1982. This decline in demand did not fully account for the respective 13 percent and 28 percent downturns in domestic shipments over these periods. The remainder was brought about by increased imports.

The decreases in domestic shipments are reflected in similarly large drops in the production of stainless steel sheet and strip. Between 1979 and 1981, production fell by 17 percent, and between the first quarter of 1981 and the first quarter of 1982 by 23 percent. Table 5 presents the data on production. Capacity utilization, because of these declines, fell from 66 percent in 1979 to 57 percent in 1981. Between the first quarters of 1981 and 1982, capacity utilization dropped from 76 percent to 51 percent (see Tables 6 and 7).

2. *Plate.* The situation was similar for plate producers. Between 1979 and 1981, apparent consumption of stainless steel plate declined by 15 percent, while from the first quarter of 1981 to the first quarter of 1982 consumption rose by 4 percent. Domestic shipments, however, declined steadily—from 1979 to 1981 by 16 percent, and between the first quarters of 1981 and 1982 by 10 percent. The decline in domestic shipments thus cannot be attributed entiretly to contracting demand. Increased imports were again responsible for a substantial portion of the drop.

The declines in domestic shipments are reflected in the statistics on U.S. plate production. Between 1979 and 1981, production dropped by 25 percent, and between the first quarters of 1981 and 1982 by 48 percent. Utilization of the capacity to produce stainless steel plate thus also showed declines, falling from 79 percent in 1980 to 64 percent in 1981, and from 79 percent in the first quarter of 1981 to 39 percent in the first quarter of 1982.

3. *Rod.* U.S. producers of stainless steel rod also felt the negative effects of unfair competition from imports. Here again, increases in imports displaced domestic shipments in a period of weak demand for stainless steel. While domestic shipments fell by 23 percent from 1979 to 1981, and by 26 percent between the first quarters of 1981 and 1982, apparent domestic consumption declined by 4 percent from 1979 to 1981, and increased by 3 percent from the first quarter of 1981 to the first quarter of 1982. Unfair trade practices thus enabled imports to capture an increased market share, and to completely preempt the domestic industry, even during a period of modest expansion in domestic demand.

Production of stainless steel rod and utilization of the capacity to manufacture rod suffered large declines as a result. Between 1979 and 1981, production fell by 37 percent, and between the first quarter of 1981 and the first quarter of 1982 by 22 percent. Capacity utilization fell from 90 to 60 percent, and from 61 to 48 percent, respectively, during these periods.

C. Effect on Employment

The onslaught of unfairly-traded imports has had a very depressive effect on employment in the specialty steel industry. The standard measures of employment—total employment, employment of production and related workers, and number of hours worked—all reflect the declines in production and capacity utilization discussed above (see Tables 8 to 10). For the specialty steel industry as a whole, nearly 24 percent of the workforce was on lay-off as of March 31, 1982.

1. *Sheet and Strip.* Between 1979 and 1981, total employment of persons involved in the manufacture of stainless steel sheet and strip declined by 7 percent. Between the first quarters of 1979 and 1982 the decline was 18 percent, and between the first quarters of 1981 and 1982, 13 percent. The number of production and related workers employed during these periods also showed large declines: 13 percent, 27 percent and 22 percent, respectively.

The number of hours worked, probably the most accurate indicator of the industry's employment, registered even larger declines due to the large number of workers on short-time status. From 1979 to 1981, hours worked plunged by 21 percent, between the first quarter of 1979 and the first quarter of 1982 by 36 percent, and between the first quarter of 1981 and the first quarter of 1982 by 27 percent.

2. *Plate.* Persons employed in the manufacture of stainless steel plate faced a similar predicament. The total number of persons employed dropped by 28 percent between 1979 and 1981, by 15 percent between the first quarters of 1979 and 1982,

[25] S. Rep. at 236.

[26] S. Rep. at 237.

and by 6 percent between the first quarters of 1981 and 1982.

The number of production and related workers fell by 28 percent from 1979 to 1981, and by 5 percent between the first quarters of 1979 and 1982. First quarter 1982 employment, although somewhat higher than in the four preceding quarters, nonetheless remained well below the average levels of both 1979 and 1980.

The number of hours worked in the production of stainless steel plate also showed large declines, falling by 30 percent between 1979 and 1981, and by 11 percent between the first quarter of 1979 and the first quarter of 1982.

3. *Rod.* The situation was similar in the case of stainless steel rod employment. Total employment dropped by 9 percent from 1979 to 1981, by 22 percent between the first quarters of 1979 and 1982, and by one percent between the first quarters of 1981 and 1982. Employment of production and related workers fell more rapidly—by 19 percent from 1979 to 1981, by 38 percent between the first quarter of 1979 and the first quarter of 1982, and by 7 percent between the first quarter of 1981 and the first quarter of 1982.

The number of hours worked in the production of stainles steel rod declined by 19 percent between 1979 and 1981, by 38 percent between the first quarters of 1979 and 1982, and by 21 percent between the first quarters of 1981 and 1982.

D. Effect on Profits and Profitability

The statistics on the financial experience of U.S. producers of stainless steel sheet and strip, plate, and rod clearly illustrate the dilemma caused by unfair competition from imports. Maintenance of prices at a profitable level causes loss of sales, while cutting prices to maintain market share rapidly erodes profit margins. Thus, in spite of increases in net sales during some periods, profits have dropped consistently since 1979. For two of the three product lines, U.S. producers experienced losses of more than 12 percent in the first quarter of 1982 (see Table 11).

1. *Sheet and Strip.* Net sales of stainless steel sheet and strip declined by 14 percent from 1979 to 1981, despite a 25 percent increase from the 1980 level. Net operating profits plunged each year, however; by 72 percent between 1979 and 1980, and by 85 percent between 1979 and 1981. Profitability (the ratio of net operating profit to net sales) fell from 12.1 percent in 1979 to 2.1 percent in 1981. Net sales declined by 32 percent from the first quarter of 1981 to the first quarter of 1982, and a 2.7 percent profit margin became a *12.1 percent* loss during this period.

2. *Plate.* Producers of stainless steel plate experienced a decline of 41 percent in sales between 1979 and 1981, while profitability fell from 6.3 to 5.3 percent. Although net sales increased between the first quarters of 1981 and 1982, profitability declined from 5.4 percent to 2.9 percent.

3. *Rod.* Net sales of stainless steel rod fell by 8 percent between 1979 and 1981, and producers experienced a 2.2 percent loss in 1981, down from a profit of 5.6 percent in 1979. This situation worsened substantially through 1981 and the beginning of 1982, so much so that these producers, who registered a 2.6 percent loss in the first quarter of 1981, *lost 14.7 percent* in the first quarter of 1982.

E. Threat of Further Injury

The foregoing discussion has amply illustrated the depth and seriousness of the injury presently being suffered by U.S. producers of stainless steel sheet and strip, plate, and rod. This injury has been caused by the unfair trade practices of foreign specialty steel producers, among which Belgium figures as a fast-growing and flexible exporter. Belgium's specialty steel producers have been significant contributors to the U.S. industry's decline, and the many large subsidies available to them pose a threat of substantial further injury to the domestic industry. In addition, viewed in the context of the section 301 proceeding already in progress involving specialty steel imports from Austria, France, Italy, Sweden and the United Kingdom, the incremental injury and threat of further injury attributable to Belgium is even clearer. The Belgian Government's unfair trade practices interact with, and reinforce, those of the many other nations competing unfairly in the United States, all of which have brought about the near-destruction of the domestic industry.

IX. Relief Requested

Based on the foregoing, petitioners respectfully request that the President, pursuant to section 301 of the Trade Act of 1974, as amended, 19 U.S.C. § 2411 (Supp. III 1979), take all appropriate and feasible steps within his power to obtain the elimination of Belgian Government subsidies of stainless steel exported to the United States. Such efforts should include making use of the consultation, conciliation and dispute settlement mechanisms as provided by articles 12 and 13 of the Subsidies Code. In the event such steps fail to bring about a resolution of the issue, the President should undertake appropriate countermeasures, as authorized under section 301 of the Trade Act of 1974, as amended.

Respectfully submitted,

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June 23, 1982.

[FR Doc. 82-22036 Filed 8-12-82; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 82-142; Customs Delegation Order No. 64]

Order of the Commissioner of Customs Delegating Authority To Conduct On-site Inspections of Laboratories Operated by Customs-approved Public Gaugers

By virtue of the authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 FR 7241), as amended, I hereby delegate to the Director of the Technical Services Division the authority to conduct on-site inspections of commercial laboratories operated by Customs-approved public gaugers. The Director of the Technical Services Division may redelegate this authority to the Directors of the Customs Field Laboratories.

This delegation of authority does not preclude a Customs district director from conducting additional checks, audits, or investigations to verify the gauging operations in his district.

Dated: July 26, 1982.

[FR Doc. 82-22077 Filed 8-12-82; 8:45 am]

BILLING CODE 4820-02-M

[069794]

Receipt of Domestic Interested Party Petition Concerning Classification of Certain Plywood

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of receipt of domestic interested party petition.

SUMMARY: The Customs Service has received a petition from a trade association representing American manufacturers of soft plywood. The petitioner contends that certain imported plywood classified as "building boards" should be classified as soft plywood, subject to a higher rate of duty. This document invites comments with regard to the correctness of the classification.

DATES: Interested parties may comment on this petition, and comments (preferably in triplicate) must be received on or before October 12, 1982.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:
J. G. Hurley, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8181).

SUPPLEMENTARY INFORMATION:

Background

A petition has been filed under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), by the American Plywood Association, a trade association which represents American manufacturers of soft plywood. The petitioner contends that certain Canadian plywood that has been processed, including tongue and grooved panels or shiplapped panels, which has been classified by Customs under the provision for building boards not specially provided for, in item 245.80, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), should be classified under the provision for soft plywood in item 240.21, TSUS, which, it alleges, is a more specific provision. The duty on soft plywood is higher than the duty on building boards.

Comments

Pursuant to § 175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on this matter, Customs invites written comments on this petition from interested parties.

The domestic interested party petition, as well as all comments received in response to this notice, will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), between the hours of 9:00 a.m. to 4:30 p.m. on normal business days, at the Regulations Control Branch, Headquarters, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

This notice is published in accordance with § 175.21 (a), Customs Regulations (19 CFR 175.21(a)).

Drafting Information

The principal author of this document was Jesse V. Vitello, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: June 4, 1982.

John P. Simpson,

Director, Office of Regulations and Rulings

[FR Doc. 82–22060 Filed 8–12–82; 8:45 am]

BILLING CODE 4820–02–M

Public Information Collection Requirements Submitted to OMB for Review

During the period July 30 through August 5, 1982, the Department of Treasury submitted the following public information collection requirements to OMB, for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the Treasury Reports Management Officer, Information Resources Management Division, Room 309, 1625 I St. NW., Washington, D.C. 20220; *and* to the OMB reviewer listed at the end of each entry.

Date Submitted: August 5, 1982.
Submitting Bureau: Comptroller of the Currency.
OMB Number: 1557–0013.
Form Number: CC–7020–03.
Type of Submission: Extension.
Title: Confidential Biographical and Financial Report.
Purpose: Federal law, 12 U.S.C. 27, requires that individuals proposing to establish a national bank must obtain prior approval of the OCC. This form provides information on the proposed organizing individuals so that the Comptroller may fulfill the statutory requirements.
OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: August 5, 1982.
Submitting Bureau: Comptroller of the Currency.
OMB Number: 1557–0057.
Form Number: CC–7021–01 and CC–7027–01.
Type of Submission: Extension.
Title: Policies and Procedures for Corporate Activities—Establishment of Domestic Branches and Seasonal Agencies and Customer-bank Communications Terminal (CBCT) branches.
Purpose: Form CC–7021–01 requires that a national bank must obtain prior approval of OCC to establish a branch. Form CC–7027–01 requires that a national bank must obtain prior approval of OCC to change the location of a head office or branch.
OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: August 5, 1982.
Submitting Bureau: Comptroller of the Currency.
OMB Number: 1557–0036.
Form Number: CC–7020–45.
Type of Submission: Extension.
Title: Application for approval to merge, consolidate, purchase (corporate reorganization).
Purpose: Federal Law, 12 U.S.C. 214, 215(a) and 1828(c), requires that a national bank obtain prior OCC approval to merge or consolidate with another bank or purchase the assets and assume the liabilities of another bank. This form provides information to assist the deciding officials in making an informed decision.
OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Floyd Sandlin,

Chief, Information Resources Management Division.

August 9, 1982.

FR Doc. 82–22111 Filed 8–12–82; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 157
Friday, August 13, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Equal Employment Opportunity Commission	2
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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, August 20, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: CLOSED.

MATTERS TO BE CONSIDERED:
Serveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1171–82 Filed 8–10–82; 4:43 pm]

BILLING CODE 6351–01–M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, August 17, 1982, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. Freedom of Information Act Appeal No. 82–6–FOIA–2–AT, concerning a request for a copy of investigative files.
3. Freedom of information Act Appeal No. 82–6–FOIA–26–NO, concerning a request for materials from an open Title VII case file.
4. Recommended Third Quarter modification to FY 1982 Title VII and ADEA Charge Resolution Contracts with 706 Agencies.
5. Proposed 90-day Notice: Interpretive Memorandum; American Tobacco Co. v. Patterson: Pullman-Standard v Swint.
6. Proposed 90-day Notice: Eliminating the requirement that respondent be sent a copy of EEOC Compliance Manual No. 14.
7. Modification to a Contract for expert services needed in connection with a court case.
8. Reorganization of EEOC Headquarters.
9. Report on Commission Operations by the Executive Director.

Closed

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

(In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Place telephone (202) 634–6748 at all times for information on the time, place and subject matter of such meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Officer, Executive Secretariat at (202) 634–6748.

This Notice issued August 10, 1982.

[S 1169–82 Filed 8–10–82; 4:17 pm]

BILLING CODE 6570–06–M

3

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, August 18, 1982.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of check processing equipment within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: August 10, 1982.

James McAfee,

Associate Secretary of the Board.

[S 1170–82 Filed 8–10–82; 4:30 pm]

BILLING CODE 6210–01–M

federal register

Friday
August 13, 1982

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama:	
AL82–1037	July 30, 1982.
AL82–1034	July 30, 1982.
AL82–1036	July 30, 1982.
California: CA82–5112	July 16, 1982.
Connecticut: CT81–3032	May 15, 1981.
Kentucky:	
KY81–1281	Aug. 28, 1981.
KY81–1282	Aug. 28, 1981.
KY81–1283	Sept. 4, 1981.
New York: NY81–3030	May 1, 1981.
Pennsylvania: PA80–3059	Oct. 3, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Missouri: MO82–4012(MO82–4041)	Apr. 12, 1982.
Ohio: OH81–2040(OH82–2045)	July 6, 1981.
Washington: WA81–5163(WA82–5117)	Dec. 4, 1981.

Please note that we are changing the format for **Federal Register** wage decisions to coincide with the provisions of All Agency Memorandum No. 132 dated January 29, 1980, which provides that the Department of Labor will discontinue identifying fringe benefits separately. Rather, they will be stated as a composite figure which is the total hourly equivalent value of fringe benefits found to be prevailing. Fringe benefits which can not be stated in monetary terms will be shown in footnotes. This procedure is being phased in gradually.

Signed at Washington, D.C. this 6th day of August 1982.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

MODOFICATIONS P. 1

DEC. NO. AL82-1037 - MOD. #1 (47 FR 33044 - July 30,1982)	Basic Hourly Rates	Fringe Benefits
Autauga,Baldwin,Barbour,Bibb, Blount,Bullock,Butler,Chambers, Cherokee,Chilton,Choctaw,Clark, Clay,Coffee,Colbert,Conecuh, Coosa,Covington,Crenshaw, Cullman,Cleburne,Dale,Dallas, DeKalb,Elmore,Escambia,Fayette, Franklin,Geneva,Greene,Hale, Henry,Houston,Jackson,Lamar, Lauderdale,Lawrence,Lee,Lime-stone,Lowndes,Macon,Madison, Marengo,Marion,Marshall,Monroe, Montgomery,Morgan,Perry,Pickens, Pike,Randolph,Russell,Sumter, Tallapoosa,Washington,Wilcox, & Winston Cos., ALABAMA		
HIGHWAY CONSTRUCTION		
CHANGE:		
POWER EQUIPMENT OPERATORS: Tractors & Loaders (over 80 h.p.)	$ 5.00	
DEC. NO. AL82-1034 - MOD. #1 (47 FR 33043 - July 30,1982)		
Calhoun,Etowah,St. Clair,Shelby, Talladega,Tuscaloosa, & Walker Cos., ALABAMA		
HIGHWAY CONSTRUCTION		
ADD:		
POWER EQUIPMENT OPERATORS: Scrapers	$ 6.00	
CHANGE:		
Decision Superseded from: AL81-1034 dated December 30, 1980 in 45 FR 86189 to: AL81-1132 dated December 30, 1980 in 45 FR 86189.		

DEC. NO. AL82-1036 - MOD. #1 (47 FR 33045 - July 30, 1982)	Basic Hourly Rates	Fringe Benefits
Mobile Co., ALABAMA		
HIGHWAY CONSTRUCTION		
ADD:		
POWER EQUIPMENT OPERATORS: Aggregate Spreader	$ 5.40	

DECISION NO. CT81-3032 - MOD. #16 (46 FR 27040 - May 15, 1981)	Basic Hourly Rates	Fringe Benefits
HARTFORD, MIDDLESEX, NEW HAVEN, NEW LONDON AND TOLLAND COUNTIES, CONN.		
CHANGE:		
PAINTERS:		
AREA 2		
Brush; Tapers	13.85	2.48
Paperhangers	14.35	2.48
Riding Steel; Steam-cleaning; Sandblasting; Tank; Towers; and Hazardous Work	14.43	2.48
Spray	16.85	2.48

MODIFICATIONS P. 2

DECISION #KY81-1281 - Mod. #2 (46 FR 43616 - August 28, 1981) Various Counties (Locality #2), Kentucky	Basic Hourly Rates	Fringe Benefits
CHANGE:		
POWER EQUIPMENT OPERATORS: HEAVY CONSTRUCTION -		
CLASS A	$13.92	$ 2.13
CLASS B	11.09	2.13
CLASS C	10.29	2.13
CLASS D	14.42	2.13
DECISION #KY81-1282 - Mod. #2 (46 FR 43618 - August 28, 1981) Various Counties (Locality #3), Kentucky		
CHANGE:		
POWER EQUIPMENT OPERATORS: HEAVY CONSTRUCTION -		
CLASS A	$13.92	$ 2.13
CLASS B	11.09	2.13
CLASS C	10.29	2.13
CLASS D	14.42	2.13
DECISION #KY81-1283 - Mod. #2 (45 FR 44628 - September 4, 1981) Various Counties (Locality #1), Kentucky		
CHANGE:		
POWER EQUIPMENT OPERATORS: HEAVY CONSTRUCTION -		
CLASS A	$13.92	$ 2.13
CLASS B	11.09	2.13
CLASS C	10.29	2.13
CLASS D	14.42	2.13

DECISION NO. PA80-3059 MOD. NO. 8 (45 FR 65895 - October 3, 1980) Erie County, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayers & Stonemasons	$15.65	2.37
Carpenters	13.35	.05+27%
Soft Floor Layers	13.35	.05+27%
Cement masons	15.65	2.37
Electricians	15.55	4.20+ 3-½%
Glaziers	15.24	1.42
Ironworkers:		
Structural, Ornamental & Reinforcing	15.50	3.62
Laborers:		
Common Laborers	12.30	.08+20%
Mason Tenders	12.80	.08+20%
Painters:		
Brush	12.30	1.12
Structural Steel	13.05	1.12
Spray	12.80	1.12
Piledrivermen	16.02	17-½%
Plasterers	15.65	2.37
Plumbers	17.57	1.71
Sheet Metal Workers	15.84	3.71
Sprinkler Fitters	16.92	2.83
Steamfitters	17.57	1.71

DECISION NO. NY81-3030 - MOD. #6
(~~46~~ FR 24850 - May 1, 1981)
CATTARAUGUS, CHAUTAUQUA & ERIE COUNTIES, NEW YORK

CHANGE:
POWER EQUIPMENT OPERATORS:
BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
GROUP I	16.21	3.61+a
GROUP II	15.125	3.61+a
GROUP III	14.97	3.61+a
GROUP IV	14.93	3.61+a
GROUP V	14.845	3.61+a
GROUP VI	12.04	3.61+a
GROUP VII	14.535	3.61+a
GROUP VIII	12.125	3.61+a
GROUP IX	11.97	3.61+a
GROUP X	14.075	3.61+a
GROUP XI	14.69	3.61+a
GROUP XII	12.195	3.61+a
GROUP XIII	14.93	3.61+a
GROUP XIV	11.825	3.61+a
GROUP XV	15.625	3.61+a
GROUP XVI	16.125	3.61+a
GROUP XVII	16.625	3.61+a

OMIT:
ALL RATES FOR POWER EQUIPMENT OPERATORS;
HEAVY & HIGHWAY CONSTRUCTION

ADD:
POWER EQUIPMENT OPERATORS:
HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
ZONE I - ERIE COUNTY		
CLASS I	14.68	4.66+a
CLASS II	14.50	4.66+a
CLASS III	13.97	4.66+a
CLASS IV	13.42	4.66+a
CLASS V	11.47	4.66+a
CLASS VI	11.30	4.66+a
CLASS VII	10.56	4.66+a
CLASS VIII	11.51	4.66+a
CLASS IX	10.96	4.66+a
CLASS X	15.43	4.66+a
CLASS XI	15.68	4.66+a
CLASS XII	16.18	4.66+a
ZONE II - WYOMING, CATTARAUGUS, CHAUTAUQUA, ORLEANS AND GENESEE (WESTERN PART INCLUDING CITY OF BATAVIA)		
CLASS I	14.51	4.66+a
CLASS II	14.23	4.66+a
CLASS III	13.77	4.66+a
CLASS IV	12.89	4.66+a
CLASS V	11.47	4.66+a
CLASS VI	11.18	4.66+a
CLASS VII	10.30	4.66+a
CLASS VIII	10.85	4.66+a
CLASS IX	10.70	4.66+a
CLASS X	15.26	4.66+a
CLASS XI	15.51	4.66+a
CLASS XII	16.01	4.66+a

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION CLASS DEFINITIONS:
CLASS X: Crane with boom over 100 feet
CLASS XI: Crane with boom over 200 feet
CLASS XII: Crane with boom over 300 feet

SUPERSEDEAS DECISION

STATE: MISSOURI COUNTY: STATEWIDE
DECISION NO.: MO82-4041 DATE: Date of Publication
Supersedes Decision No. MO82-4012 dated April 2, 1982 in 47 FR 14349

DESCRIPTION OF WORK: Heavy and Highway Construction Projects

CARPENTERS & PILEDRIVERMEN:	Basic Hourly Rates	Fringe Benefits
Zone 1	$15.36	$2.58
Zone 1A	14.96	2.58
Zone 2	14.81	2.58
Zone 3	15.40	1.73
Zone 4	14.80	1.73
Zone 5	13.95	2.58
Zone 6	15.82	0.71
Zone 7	15.97	0.56
Zone 7A	15.67	0.86
Zone 8	14.90	1.35
Zone 9	15.05	2.07
Zone 10	14.26	2.23
CEMENT MASONS:		
Zone 1	15.075	1.95
Zone 2	10.93	
Zone 3	14.97	1.95
Zone 4	12.75	
Zone 5	13.98	
Zone 6	14.60	
Zone 7	14.60	
Zone 8:		
(a) Heavy Construction	13.30	1.65
(b) Highway Construction	14.97	1.95
Zone 9	14.15	2.60
Zone 10	13.45	2.60
ELECTRICIANS:		
Zone 1:		
Electrical contracts over $30,000	14.54	3.05
Electrical contracts $30,000 & under	12.40	2.74
Zone 2	16.80	3.43
Zone 3		
Electrical contracts not to exceed 2000 man hrs.	15.18	3.33
Electrical contracts 2000 man hrs. & over	16.18	3.43
Zone 4		
Electrical contracts not to exceed 2000 man hrs.	15.18	3.33
Electrical contracts 2000 man hrs.& over	16.18	3.43
Zone 5		
Electrical contracts not to exceed 2000 man hrs.	14.58	3.27
Electrical contracts 2000 man hrs. & over	16.18	1.94
Zone 6	$15.80	5.89
Zone 7		
Electrical contracts over $15,000	15.80	5.89
Zone 8		
Electrical contracts $15,000 & under	14.78	5.60
Zone 9		
Electrical contracts $15,000 & under	11.43	4.64
Zone 10		
Electrical contracts $15,000 & under	8.07	3.69
Zone 11	14.55	2.80
Zone 12	15.04	2.39
Zone 13	14.47	3.05
Zone 14		
Electricians	12.26	2.64
Cable Splicers	12.61	2.67
Zone 15		
Electricians	14.94	3.90
Cable Splicers	15.19	3.93
IRONWORKERS:		
Zone 1	14.725	1.91
Zone 2	15.15	3.75
Zone 3	15.035	3.75
Zone 4	14.60	2.37
Zone 5	16.45	1.91
Zone 6	12.80	1.91
Zone 7	12.45	1.55
LABORERS:		
GROUP 1:		
Zone 1	12.23	2.90
Zone 2	11.08	2.65
Zone 3:		
(a)	14.00	1.20
(b)	13.50	1.70
Zone 4:		
(a)	13.50	1.20
(b)	13.00	1.70
GROUP 2:		
Zone 1	12.38	2.90
Zone 2	11.23	2.65
Zone 3:		
(a)	14.50	1.20
(b)	14.00	1.70

DECISION NO. MO82-4041 (Cont'd):

LABORERS (Cont'd):	Basic Hourly Rates	Fringe Benefits
GROUP 2 (Cont'd):		
Zone 4:		
(a)	$14.00	1.20
(b)	13.50	1.70
GROUP 3:		
Zone 1	12.53	2.90
Zone 2	11.38	2.65
Zone 3:		
(a)	14.75	1.20
(b)	14.25	1.70
Zone 4:		
(a)	14.25	1.20
(b)	13.75	1.70
GROUP 4:		
Zone 1	12.73	2.90
Zone 2	11.58	2.65
GROUP 5:		
Zone 1	12.98	2.90
Zone 2	11.83	2.65
Zone 5 (Clay, Jackson, Platte & Ray Counties):		
Group 1	12.05	3.10
Group 2	12.17	3.10
Group 3	12.32	3.10
Group 4	12.52	3.10
Group 5	12.82	3.10
Zone 6 (St. Louis City and County):		
General laborer	12.475	1.75
Dynamiter or powderman	12.975	1.75
LINE CONSTRUCTION:		
ZONE 1:		
Linemen	17.33	1.22
Lineman operator	16.13	1.19
Groundman powderman	12.02	1.07
Groundman	11.42	1.05
ZONE 2:		
Lineman	16.56	1.21
Lineman operator	15.77	1.18
Groundman powderman	11.47	1.05
Groundman	10.59	1.03
ZONE 3:		
Linemen & cable splicers	14.79	4.92
Groundman -winch driver	10.87	2.99
Groundman - driver	10.48	2.89
Equipment operator	13.23	3.54
Groundman	10.48	2.89
ZONE 4:		
Lineman	14.10	2.01
Groundman equipment opr.	12.51	1.83
Groundman - class A	8.87	1.16
ZONE 5 - Railroad & Cross Country Transmission Lines:		
Lineman	$14.67	1.15
Lineman operator	13.57	1.12
Groundman powderman	10.09	1.01
Groundman	9.42	0.99
Pole Treating Specialist	15.40	1.17
Pole Treating Truck Driver	10.09	1.01
Pole Treating Groundman	9.42	0.96
ZONE 6 - Telephone and Telegraph Railroad Communications & C.A.T.V. Work:		
Cable splicer, air pressure tech.,central office equipment man & key system installer	10.16	1.32
Telephone lineman, installer, CATV terminator & equipment opr.(D-4 or larger crawler, wheel trencher quarter yard backhoe or larger)	9.73	1.29
Equipment opr.(all other small equipment)	8.50	1.19
Groundman-winch driver	7.61	1.12
Groundman	6.67	1.04
ZONE 7 - Telephone and Telegraph & CATV Work:		
Cable splicers, air pressure tech., central office equipment man	9.96	0.75
Telephone lineman & installer repairman, CATV terminator, equipment opr.(¾ yd. backhoe & larger & D-4 crawler & larger)	9.45	0.73
Equipment opr.(trenchers & all other equipment)	8.28	0.70
Groundman-winch driver	7.15	0.66
Groundman	5.78	0.62

DECISION NO. MO82-4041 (Cont'd)

PAINTERS:	Basic Hourly Rates	Fringe Benefits
ZONE 1:		
Brush & roller	$15.04	1.48
Spray	16.04	1.48
Bridge	15.79	1.48
ZONE 2:		
Brush	11.30	0.76
Spray	12.05	0.76
Sandblasting, bridges, towers, stacks, walkways, cables & tanks 15,000 gal. or more capacity	12.80	0.76
ZONE 3:		
Brush & roller	11.00	2.20
Spray, structural steel & sandblasting	12.25	2.20
ZONE 4:		
Brush	13.25	
Bridge	14.00	
Spray, sandblasting opr.; work performed on bridges 75 ft.in height	14.25	
All structural steel over 50 ft. in height	15.00	
ZONE 5:		
Brush	11.85	1.20
Spray	12.85	1.20
Steel, storage bin & tank	12.25	1.20
Bridge, stage; belt; bazooka	12.35	1.20
ZONE 6:		
Brush, roller	11.77	0.55
Spray	12.27	0.55
ZONE 7:		
Brush	12.70	0.20
Spray & steel	13.30	0.20
ZONE 8:		
Brush	14.98	1.20
Spray	16.98	1.20
ZONE 9:		
Brush	9.90	0.50
Spray, Bridgeman, Steelmen	10.40	0.50
ZONE 10:		
Brush	9.10	0.25
Structural steel	9.60	0.25
Bridges	9.85	0.25
ZONE 11:		
Brush	13.00	
Spray & sandblasting	15.00	

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits
ZONE 1:		
Group I	$14.00	3.77
Group II	13.75	3.77
Group III	13.05	3.77
Group IV:		
(a)	9.03	3.77
(b)	12.05	3.77
Group V	14.25	3.77
Group VI	14.00	3.77
ZONE 2:		
Group I	14.32	2.50
Group II	13.02	2.50
Group III	12.57	2.50
Group IV:		
(a)	15.02	2.50
(b)	15.87	2.50
(c)	16.32	2.50
(d)	17.07	2.50
(e)	14.82	2.50
ZONE 3:		
Group I	16.20	1.97
Group II	16.00	1.97
Group III	15.80	1.97
Group IV	15.20	1.97
Group V	14.20	1.97
Group VI	16.70	1.97
ZONE 4:		
Group I	15.35	1.97
Group II	15.00	1.97
Group III	14.80	1.97
Group IV	13.95	1.97
Group V	14.10	1.97
Group VI	15.85	1.97
ZONE 5:		
Group I	14.00	3.75
Group II	13.75	3.75
Group III	13.05	3.75
Group IV:		
(a)	9.03	3.45
(b)	11.15	3.45
Group V	14.25	3.75
Group VI	13.10	3.45
ZONE 6:		
Group I	13.95	3.50
Group II	13.60	3.50
Group III	13.40	3.50
Group IV	11.60	3.50
Group V	14.20	3.50
Group VI	14.45	3.50
Group VII	14.70	3.50

POWER EQUIPMENT OPERATORS CONT'D:	Basic Hourly Rates	Fringe Benefits
ZONE 7:		
Group I	$14.31	2.56
Group II	13.96	2.56
Group III	13.76	2.56
Group IV	11.71	2.56
Group V	14.56	2.56
Group VI	14.81	2.56
Group VII	15.06	2.56
ZONE 8:		
Group I	14.31	2.56
Group II	13.96	2.56
Group III	13.76	2.56
Group IV	11.71	2.56
Group V	14.56	2.56
Group VI	14.81	2.56
Group VII	15.06	2.56
ZONE 9:		
Group I	15.65	1.97
Group II	15.45	1.97
Group III	15.25	1.97
Group IV	14.65	1.97
Group V	15.90	1.97
Group VI	16.15	1.97
TRUCK DRIVERS:		
ZONE 1:		
Group 1	12.66	3.50
Group 2	12.86	3.50
Group 3	13.17	3.50
Group 4	13.32	3.50
Group 5	12.44	3.50

TRUCK DRIVERS (Cont'd):	Basic Hourly Rates	Fringe Benefits
ZONE 2:		
Group 1	$17.10	
Group 2	17.25	
Group 3	17.32	
Group 4	17.21	
Group 5	17.00	
ZONE 3:		
Group 1	16.05	
Group 2	16.20	
Group 3	16.27	
Group 4	16.16	
Group 5	15.95	
ZONE 4:		
Group 1	14.64	2.50
Group 2	14.79	2.50
Group 3	14.86	2.50
Group 4	14.75	2.50
Group 5	14.54	2.50
ZONE 5:		
Group 1	13.43	2.50
Group 2	13.58	2.50
Group 3	13.70	2.50
Group 4	13.59	2.50
Group 5	13.33	2.50
ZONE 6:		
Group 1	12.70	2.50
Group 2	12.85	2.50
Group 3	12.97	2.50
Group 4	12.86	2.50
Group 5	12.60	2.50

AREAS COVERED BY CARPENTERS AND PILEDRIVERMEN ZONES

Zone 1 - Franklin, Jefferson, St. Charles Counties
Zone 1A- Lincoln, Warren Counties
Zone 2 - Pike, St. Francois, Washington Counties
Zone 3 - Cass, Lafayette Counties
Zone 4 - Atchison, Andrew, Berry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Leclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
Zone 5 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon & Texas Counties
Zone 6 - Boone, Cooper, Howard Counties
Zone 7 - Adair, Audrain, Benton, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby & Sullivan Counties
Zone 7A- Callaway, Cole, Miller, Moniteau and Osage Counties
Zone 8 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
Zone 9 - Clay, Jackson, Platte and Ray Counties
Zone 10- St. Louis County and City

AREAS COVERED BY CEMENT MASONS ZONES

Zone 1 - Bates, Carroll, Cass & Lafayette Counties
Zone 2 - Dent, Phelps, Pike, Pulaski & Texas Counties
Zone 3 - Clay, Jackson, Platte & Ray Counties
Zone 4 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Leclede, Ozark, Polk, Stone, Taney, Webster & Wright Counties
Zone 5 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
Zone 6 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Linn, Macon, Moniteau, Monroe, Randolph, Shelby, Schuyler, Sullivan and Putnam Counties
Zone 7 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery and Osage Counties.
Zone 8 (a&b) - Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway & Worth Counties
Zone 9 - St. Louis City and County, Jefferson & St. Charles Counties
Zone 10- Franklin, Lincoln, Warren, Iron, St. Francois, Ste. Genevieve, Washington, Reynolds and Madison Counties

AREAS COVERED BY ELECTRICIAN ZONES

Zone 1 - Adair, Audrain (that part of east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Counties
Zone 2 - Area bounded on the North by State Highway 92 in Platte & Clay Counties; east by a straight line from Intersection of State Highway 92 & 33 in Clay County Intersection of U. S. Highway 24 & State Highway 7 in Jackson County; south on Highway 7 to Pleasant Hill; South from Pleasant Hill due West to the Missouri-Kansas State Line; West by the Missouri-Kansas State Line. Towns of Pleasant Hill & Blue Springs are excluded
Zone 3 - Portion of Cass, Clay, Jackson and Platte Counties not included in Zone 2
Zone 4 - Bates, Benton, Henry, Johnson, Lafayette & Pettis Counties
Zone 5 - Carroll, Cooper, Morgan, Ray and Saline Counites
Zone 6 - St.Charles County, St. Louis County and City
Zone 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Warren, Washington and Wayne Counties
Zone 8 - Franklin, Jefferson, Lincoln & Warren Counties
Zone 9 - Bollinger, Cape Girardeau, Perry, Scott, St. Francois and Ste. Genevieve Counties
Zone 10- Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Ripley, Reynolds, Stoddard, Washington and Wayne Counties
Zone 11- Christian, Dallas, Douglas,Greene, Hickory, Howell, Leclede, Oregon,Ozark, Polk, Shannon, Stone, Taney, Texas, Webster and Wright Counties
Zone 12- Pulaski County
Zone 13- Andrew, Buchanan, Clinton & DeKalb Counties
Zone 14- Barry, Barton, Caldwell, Cedar, Dade, Daviess, Gentry, Holt, Jasper, McDonald, Newton, Nodaway, St. Clair, Vernon and Lawrence Counties
Zone 15- Atchinson, Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Grundy, Harrison, Howard, Livingston, Maries, Mercer, Miller, Moniteau, Osage, Phelps, Randolph and Worth Counties

AREAS COVERED BY IRONWORKERS ZONES

Zone 1 - Audrain, Boone, Bollinger, Callaway, Camden, Carter, Cole, Crawford, Dent, Douglas, Franklin, Gasconade, Howell, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Monroe, Montgomery, Oregon, Osage, Perry, Phelps,Pike, Pulaski, Ralls, Reynolds, St. Charles, St. Francois, St. Genevieve, St. Louis, St. Louis City, Shannon, Texas, Warren, Washington, Wayne and Wright Counties
Zone 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Lafayette, Leclede, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Counties
Zone 3 - Christian, Dade, Greene and Webster Counties
Zone 4 - Barry, Jasper, Lawrence, McDonald, Newton and Stone Counties
Zone 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Schuyler, Scotland and Shelby Counties
Zone 6 - Ozark and Taney Counties
Zone 7 - Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott and Stoddard Counties

LABORERS CLASSIFICATIONS DEFINITIONS ZONES 1 AND 2

GROUP 1 - General Laborers - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers
GROUP 2 - First Semi-skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines, power tool operator, all work in connection with hydraulic or general dredging operations; puddlers (paving only); straw blower nozzleman
GROUP 3 - Second Semi-skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river
GROUP 4 - Third Semi-skill - Laser beam man; asphalt raker; barco tamper; jackson or any other similar tamp; wagon driller; churn drills, air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, hot mastic kettleman, hot tar applicator, hand blade operators, and mortar men on brick or

LABORERS CLASSIFICATIONS DEFINITIONS ZONES 1 AND 2 (Cont'd)

GROUP 4 - Third Semi-Skill (Cont'd)

block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills string line man for electronic grade control; pressure groutmen
GROUP 5 - Fourth Semi-skill - Manhole builders, - brick or block dynamite and powder men; welder

LABORERS CLASSIFICATIONS DEFINITIONS ZONES 3 AND 4

GROUP 1 - General Labor-Carpenter tenders; salamander tenders; dump man; ticket takers; loading trucks under bins, hoppers, and conveyors; track men; cement handler; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers-rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setters, puddlers (paving only); straw blower nozzleman; asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material; topper of standing trees; feeder man on wood pulverizers, board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutment and pier hole men working six (6) ft. or more below ground; men working in coffer dams for bridge piers and footings in the river; barco tamper; jackson or any other similar tamp; cutting torch man; liners, curb, gutters, ditch liners; hot mastic kettleman; hot tar applicator; hand blade operator; mortar men on brick or block manholes; rubbing concrete, air tool operator under 65 lbs.; caulker and lead man; chain or concrete saw under 15 h.p.
GROUP 2 - First Semi-Skill-Vibrator man; asphalt raker; head pipe layer on sewer work; batterboard man on pipe and ditch work; cliff scalers working from bosun's chairs; scaffolds or platforms on dams or power plants over 10 ft. high; air tool operator over 65 lbs.; stringline man on concrete paving; sand blast man
GROUP 3 - Second Semi-Skill-Laser beam man; wagon drill; churn drill; air track drill and all other similar type drills, gunite nozzle man; pressure grout man; screed man on asphalt; concrete saw 15 h.p. and over; grade checker; stringline man on electronic grade control; manhole builder; dynamite man; powder man; welder; tunnel man

AREA COVERED BY LABORERS

Zone 1 - Buchanan, Cass and Lafayette Counties
Zone 2 - Andrew, Atchison, Barry, Barton, Bates, Benton, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Greene, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Leclede, Lawrence, Livingston, McDonald, Mercer, Morgan, Newton, Nodaway, Ozark, Pettis, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Wright and Worth Counties.
Zone 3:
a - Franklin and Jefferson Counties
b - St. Charles County
Zone 4:
a - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Dunklin, Gasconade, Howard, Howell, Iron, Knox, Lewis, Linn, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Washington and Wayne Counties
b - Lincoln, Montgomery and Warren Counties

LABORER CLASSIFICATION DEFINITIONS - ZONE 5 - CLAY, JACKSON, PLATTE AND RAY COUNTIES

Group 1 - General laborer - Carpenter tenders, salamander tenders; dump man, and ticket takers on stock piles; loading trucks under bins, hopper and conveyors; track men and all other general laborers
Group 2 - First Semi-skill - Air tool operator; coment handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other nine lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only)
Group 3 - Second Semi-skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials where special protection is required; head pipe layer on sewer work; topper of standing trees; batter board man on pipe & titch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used
Group 4 - Third Semi-skill - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving; curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; and mortar men on brick or block manholes; sand blasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels
Group 5 - Fourth Semi-skill - Manhole builder (brick or block); dynamite and powder men

AREA COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties
ZONE 2 - Andrew, Atchinson, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Jasper, Leclede, Lawrence, Livingston, McConald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties
ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties
ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard and Wayne Counties
ZONE 5 - Atchison, Nodaway, Worth, Harrison, Mercer, Holt, Andrew, DeKalb, Davies, Grundy, Buchanan, Clinton, Caldwell, Livingston, Platte, Clay, Ray, Carroll, Jackson, Lafayette, Saline, Cass, Johnson, Pettis, Bates, Henry, Vernon, Benton, St. Clair, Hickory, Barton, Cedar, Polk, Dallas, Leclede, Jasper, Dade, Lawrence, Greene, Webster, Wright, Newton, McDonald, Berry, Stone, Christian, Douglas, Taney, Ozark and Gentry Counties
ZONE 6 - Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Franklin, Gasconade, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francois, St. Louis and City, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas, Warren and Washington Counties
ZONE 7 - Atchison, Nodaway, Worth, Harrison, Mercer, Holt, Andrew, DeKalb, Daviess, Grundy, Buchanan, Clinton, Caldwell, Livingston, Platte, Clay, Ray, Carroll, Jackson, Lafayette, Saline, Cass, Johnson, Pettis, Bates, Henry, Benton, Vernon, St. Clair, Hickory, Barton, Cedar, Polk, Dallas, Leclede, Jasper, Dade, Lawrence, Greene, Webster, Wright, Newton, McDonald, Barry, Stone, Christian, Douglas, Taney, Ozark, Gentry Counties

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Clinton, Cass, Clay, Daviess, Grundy, Henry, Harrison, Jackson, Johnson, Lafayette, Livingston, Mercer, Platte and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, Reynolds, Iron, Butler, Carter, Shannon, Wayne, Oregon and Ripley Counties
ZONE 3 - Camden, Crawford, Dent, Leclede, Maries, Miller, Phelps, Pulaski and Texas Counties
ZONE 4 - Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties
ZONE 5 - Andrew, Atchinson, Buchanan, DeKalb, Gentry, Holt, Nodaway & Worth Counties
ZONE 6 - Barry, Barton, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 7 - Adair, Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Linn, Osage and Randolph Counties
ZONE 8 - Jefferso, St. Charles, St. Louis & City, Warren, Lincoln, Pike and Franklin Counties

AREA COVERED BY PAINTERS (Cont'd)

ZONE 9 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 10- St. Francois, Ste. Genevieve, Madison, Perry and Washington Counties

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONES 1 & 5

Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift, and welders, field or shop; maintenance operator; mucking machine; piledriver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; pushcat operator; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Air Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip form paver (CMI, REX, or Equal); throttle man; truck crane; welding machine maintenance operator-2

Group II - "A" frame truck; asphalt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine-1 drum; Latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra- hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.

Group III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; roller operator, other than dredge; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets; subgrading machine operator; tank car heater operator-combination boiler and booster; tractor 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1

Group IV:
(a) Oiler
(b) Oiler drivers, all types

Group V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (incl. jib); shovels and backhoes, 3 yds. capacity or over

Group VI - Hoists (each additional drum over 1 drum)

POWER EQUIPMENT OPERATORS - ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric, or other powers); switch boat; whirley; air tugger w/air compressor; anchor-placing barge; asphalt spreader; athey force feeder loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job-site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bull-float; cherry picker; combination concrete hoist & mixer (such as mixermobile); compressors, two, not more than 50 ft. apart; compressor (when operator runs throttle); compressor-generator combination; compressor-pump combination; generators, two 30 KW or over, or any number developing over 30 KW; generator-pump combination : compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pump-crete machine; concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers jackhammers and barco equipment - no engineer required); elevating grader; engineman, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; high-lift; hoist; concrete and brick (brick cages or concrete skips operating in or on tower, towermobile, or similar equipment); hoist; stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mechanic, on job site; mixer, paving; mixer-mobile; mucking machine; pipe cleaning machine; pipe wrapping machines; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant power, generating-job site; pumps, two self-powered over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

GROUP II - Conveyer, large (not self-propelled); conveyer, large (not self-propelled) moving brick and concrete (distributing) on floor level; mixer two or more mixers of one bag capacity or less, air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; form grader; generator, one

POWER EQUIPMENT OPERATORS - ZONE 2 (Cont'd)

GROUP II (Cont'd)

over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck; scissor lift (used for hoisting); tractor, small wheel type 50 h.p. & under with grader blade & similar equipment

GROUP III - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP IV - (a) Air pressure, oiler engineer, operating under ten pounds (b) Air pressure, oiler engineer operating over ten pounds (c) Air pressure engineer operating under ten pounds (d) Air pressure engineer operating over ten pounds (e) Crane-piledriving and extracting; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds. and over; crane, climbing such as Linden); derrick, diesel, gas or electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

Crane with boom (including jib), over 100' from pin to pin (add 1¢ per foot to maximum of $2.00) above basic rate for crane

Work in tunnel or tunnel shaft, .50¢ above base rate

POWER EQUIPMENT OPERATORS ZONES 3, 4, and 9

GROUP I - Asphalt finishing machine & trench widening spreader, asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boiler - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline opr.; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launch-hammer wheel; locomotive operator - standard guage; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel operator

GROUP II - A-Frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader;

POWER EQUIPMENT OPERATORS ZONES 3, 4 and 9 CONT'D

GROUP II CONT'D
boat operator (bridge & dams): chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; dredge oiler; elevating grader operator; fork lift; grease fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; powerbroom - self propelled; power shield; rooter; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttleman; tractor operator (over 50 hp); winch truck; asphalt roller operator; crusher operator

GROUP III - Spreader box operator, self-propelled (not asphalt); tractor operator (50 h.p. or less); boilers - 1; chip spreader (front man); Churn drill operator; compresor over 105 CFM 2 - 3 pumps 4" & over; 2 - 3 light plant 7.5 KWA or any combination thereof; clef plane opr.; compressor maintenance operator 2 or 3; concrete saw operator (self-propelled): curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant opeator; siphons & jets; subgrading machine operator; tank car heater (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator; hydrobroom

GROUP IV - Oiler; grout machine; oiler-driver; compressor over 105 CFM-1; conveyor operator-1; maintenance operator; pump-4" & over-1

GROUP V - Crane with 3 yds. & over buckets; dragline operator - 3 yds & over; shovel - 3 yds. & over; piledrivers - all types; clamshell - 3 yds. & over; hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator

Crane, rigs over 100 feet (incl. jib)-1¢ per foot

POWER EQUIPMENT OPERATORS ZONES 6, 7 and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launch hammer wheel; locomotive operator; - standard guage; mechanics and welder; mucking machine; piledriver operator; sideboom cats; skimmer scoop operators; trenching machine operator; truck crane; scoop operators - all types

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridges and dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete

POWER EQUIPMENT OPERATORS - ZONES 6, 7 AND 8 (Cont'd)

GROUP II (Cont'd):
pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow guage; multiple compactor, pavement breaker; power - broom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); winch truck

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric, or similar spreader; vibrating machine operator, not hands; tractor operator (50 hp or less)

GROUP IV - Oiler; oiler driver, fireman - rig; maintenance operators

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' of boom or over (incl. jib), hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers 150' to 200' of boom (inc. jib)

GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties
ZONE 2 - St. Louis City and County
ZONE 3 - Franklin, Jefferson, St. Charles Counties
ZONE 4 - Adair, Audrain, Boillinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties
ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties
ZONE 6 - Andrew, Atchinson, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties
ZONE 7 - Christian, Greene, Jasper, Lawrence and Taney Counties
ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties
ZONE 9 - Lincoln and Warren Counties

TRUCK DRIVER CLASSIFICATION DEFINITIONS

ZONE 1

Group 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle
Group 2 - Two teams, material tandem; semi-trailers; winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump excavating, 5 cu. yds. & over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment
Group 3 - A-frame, low boy, boom
Group 4 - Mechanics and welders
Group 5 - Oilers and greasers

ZONES 2, 3, 4, 5 & 6

Group 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
Group 2 - Flat bed trucks - tandem axle; material trucks, tandem axle; tank wagon - tandem axle
Group 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
Group 4 - Agitator and transit mix trucks
Group 5 - Warehouseman

AREA COVERED BY TRUCK DRIVER ZONES

ZONE 1 - Clay, Jackson, Platte & Ray Counties
ZONE 2 - Franklin, Jefferson and St. Charles Counties
ZONE 3 - Lincoln and Warren Counties
ZONE 4 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 5 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Jasper, Leclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster and Wright Counties
ZONE 6 - Adair, Atchison, Berry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney and Worth Counties

*Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))."

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: MAHONING & TRUMBULL
DECISION NO. OH82-2045 DATE: Date of Publication
Supersedes Decision No. OH81-2040, dated July 6, 1981 in 46 FR 35014
DESCRIPTION OF WORK: Building and Residential Construction Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$15.64	2.42
BOILERMAKERS	17.255	3.305
BRICKLAYERS; Caulkers; Cleaners; Pointers; & Stonemasons:		
Mahoning Co. & City of Youngstown	14.695	2.27
Trumbull (Rem. of Co.) CO.	15.69	1.75
CARPENTERS; Lathers:		
Commercial Building	13.87	2.89
Residential	12.48	2.89
CEMENT MASONS:		
Mahoning & Trumbull (Twps. of Hubbard & Liberty) Cos.	16.13	1.95+a
Trumbull (Rem. of Co.) Co.	16.56	1.46+a
ELECTRICIANS:		
Mahoning (Milton Twp.) & Trumbull (Excluding Hubbard & Liberty Twps.) Cos.	18.23	2.77
Mahoning (Excluding Milton & Smith Twps.) & Trumbull (Hubbard & Liberty Twps.) Cos.	17.67	3.03
Mahoning (Smith Twp.) Co.:		
Commercial Building	16.92	2.74
Residential (4 Units only)	11.34	2.37
ELEVATOR CONSTRUCTORS:		
Mechanics	16.10	2.465 +b+c
Helpers	70%JR	2.465 +b+c
Helpers (Prob.)	50%JR	
GLAZIERS, except S. of Rt. #224 in Mahoning Co.	14.95	2.91
INSULATORS:		
Residential	8.09	2.89
IRONWORKERS	16.35	2.82
LABORERS:		
Group I		
Asphalt Paving; Building & Construction Laborers; Carpenter Tenders & Railroad Construction Laborers	13.80	2.50
Group II		
All Machine Driven Tools, Electric, Gas, or Air & Operation of all; Pumps under 4"; All Men Working in Concrete such as Pouring, Puddling, Raking & Conveying; Scaffold Help; Jackhammer Operator; Mason Tender; Mortar Mixer (Hand or Machine); Scrap Iron Burning & Spikers	13.92	2.50
Group III		
All Work done by Laborers 7 ft. or more in Depth; Hod Carrier	13.99	2.50
Group IV		
Laborers (except Jackhammer) Working on Repair of Blast Furnaces or Coke Plant & Auxiliary Facilities	14.10	2.50
Group V		
Jackhammer Operator in Trench or Shaft; Jackhammer on Blast Furnace or Coke Plant; Laser Beam Operator; Muckers; Pipelayers; Powder and Dynamite; & Tunnel and Caisson	14.12	2.50
Group VI Ram Tight	14.17	2.50
Group VII		
Gunniting & Sandblasting; Miner Air Tool; Pump Crete Operations; & Wrench Man	14.20	2.50
Group VIII Lancing	14.30	2.50
Group IX		
Bellman; Hook Up Men	14.40	2.50

DECISION NO. OH82-2045

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
Mahoning (exclu. Smith Twp.) & Trumbull Cos.:		
Linemen; Cable Splicer; Operator - Pole Digging Equipment	18.70	2.29
Groundmen	14.96	1.97
Mahoning Co. (Smith Twp.):		
Linemen	16.92	2.74
Cable Splicer	15.81	2.70
Line Equipment Operators	14.66	2.66
Groundman; Truck Driver	11.06	2.54
MARBLE SETTERS; Terrazzo Workers; & Tile Setters:		
Mahoning Co.	16.505	
MARBLE SETTERS' FINISHERS; Terrazzo Workers' Finishers; & Tile Setters' Finishers:		
Mahoning (excluding Smith Twp.) & Trumbull Cos.	14.405	
MILLWRIGHTS; Piledrivermen	14.66	2.89
PAINTERS:		
Brush; Dipping; Hydro Jet Cleaning; Paperhangers; Roller; Steamcleaning; Wall Washing; & Waterproofing	14.45	2.25
Spray; Epoxy-mastic (Brush & Roller)	14.95	2.25
Drywall Taping	14.60	2.25
Open Structural Steel	14.66	2.25
PLASTERERS:		
Mahoning & Trumbull (Liberty & Hubbard Twps.) Cos.:		
Commercial	15.61	.83
Residential	13.27	.83
Trumbull Co. (Rem. of Co.):		
Commercial	16.52	.93
Residential	12.95	.83
PLUMBERS; Steamfitters; & Pipefitters:		
Mahoning & Trumbull (Hubbard & Liberty Twps.) Cos.	16.61	2.72
Trumbull Co. (Exclu. Hubbard & Liberty Twps.)	15.92	3.83
ROOFERS	14.70	2.02
SHEET METAL WORKERS	15.14	1.64
SOFT FLOOR LAYERS:		
Commercial	13.33	2.89
Residential	12.00	2.89
SPRINKLER FITTERS	17.67	2.83
POWER EQUIPMENT OPERATORS:		
COMMERCIAL BUILDING		
CLASS I	15.46	2.36
CLASS II	14.77	2.36
CLASS III	14.13	2.36
CLASS IV	13.72	2.36
CLASS V	13.62	2.36
CLASS VI	15.73	2.36
RESIDENTIAL		
CLASS I	14.46	2.36
CLASS II	13.77	2.36
CLASS III	13.13	2.36
CLASS IV	12.72	2.36
CLASS V	12.62	2.36
CLASS VI	14.73	2.36

DECISION NO. OH82-2045

CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS

CLASS I - Asphalt Planer Heater; Austin Western & Similar Type; Backhoe; Batch Plant-Central Mix; Batch Plant-Portable Concrete; Berm Builder-Automatic; Backfiller W/Drag Attachments; Boat Derricks; Boat Tug; Boring Mach. Attached to Tractor; Bullcalm; Bulldozer; C.M.I. Road Builder & similar Types; Cable Placer & Layer; Carrier-Straddle; Carryall-Scraper or Scoop; Chicago Boom; Compactor w/Blade Attached; Concrete Spreader Finisher Comb., Crane; Crane-Stationary or Climbing; Crane-Electric Overhead; Crane-Side Boom; Crane Truck; Crane-Tower; Derrick-Boom; Derrick-Car; Diggers-Wheel (not Trencher or Road Widener); Double Nine; Drag Line; Dredge; Drill-Kenny or Similar Type; Electromatic; Fork Lift; Frankie Pile; Gradall; Grader-Power; Gurry; Gurry-Self-Propelled; High Lift; Hoist- Monorail; Hoist-Stationary & Mobile Tractor; Hoists -2 or 3; Jackall; Jumbo Mach.; Kocal or Kuhlman; Land-Seagoing Vehicle; Loader - Elevating; Loader-Front End; Locomotive; Mechanic as Welder; Metro Clip Harvester w/Boom; Mucking Mach.; Paving-Asphalt Finishing Mach.; Paver-Road Concrete; Paver-Slip Form; Place Crete Mach; Post Driver; Power Driven Hydraulic Pumps & Jacks; Pump Crete Machine; Regulator-Ballast; Reigs-Drilling; Shovels; Spikemaster; Stonecrusher; Tie Puller & Loader; Tie Tamper; Tractor-Double Boom; Tractor W/Attachments; Truck-Boom; Truck-Tire-Assigned to Job; Trench Mach.; Tunnel Machine (Mark 21 Java or Similar); Whirley

CLASS II - Asphalt Plant; Bending Machine; Boring Mach.; Chip Harvester W/O Boom; Cleaning Mach.- Pipeline Type; Coating Mach-Pipeline Type; Concrete Belt Placer; Concrete Finisher; Concrete Planer or Asphalt; Concrete Spreader; Elevator; Fork Lift Walk Behind; Form Line Mach.; Greaser Truck Op.; Grout Pump; Gunnite Mach.; Huck Bolting Mach.; Hydraulic Scaffold; Paving Breaker; Pipe Dream; Pot Firemen; Power Broom; Refrigeration Plant; Sasgen Derricks; Seeding Mach.; Self-Propelled Mobile Vibrator Compactor or Roller; Hoist-Single Drum; Soil Stabilizer (Pump Type); Spray Cure Mach.-Self Propelled; Straw Blower Mach.; Sub-Grader; Tube Finisher or Broom C.M.I. or Similar Type; Tugger Hoist

CLASS III - Batch Plant-Job related; Boiler Op.; Compressor (125 CFM or over); Curb Builder (Self-propelled); Generator-Steam; Jack-Hydraulic Driven; Mixer-Concrete; Mulching Machine, Pin Puller; Pulverizer; Pump; Road Finishing Machine (Pulltype); Roller; Saw-Concrete-Self-Propelled; Spray Cure Machine-Motor Powered; Spreader (Side driver shoulder attachment); Tractor; Trencher-Form; Water Blaster

DECISION NO. OH82-2045

CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS (CONT'D)

CLASS IV - Brake Man; Compressor Under 125 CFM; Conveyor; Conveyor 12 ft. or under other than servicing Bricklayers; Deck Hand; Drill Wagon; Generator Sets; Heaters-Portable Power (2 to 5); Mechanic; Jacks Hydraulic (Railroad); Ladavator; Roller (Walk behind 1 ton or over); Steam Jenny; Syphons; Tenders; Vibrator-Gasoline; Welding Machines (2) (Fuel Burning)

CLASS V - Oiler

CLASS VI - Rigs-Pile Driving or Caisson Type

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. $25.00 Per Employee Per Year
b. 7 Paid Holidays: A through F, & Day after Thanksgiving
c. Employer contributes 8% of Regular Hourly Rate to Vacation Pay Credit for Employee who has Worked in Business more than 5 Years, and 6% for Employee in Business less than 5 Years

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Washington COUNTIES: Statewide
DECISION NUMBER: WA82-5117 DATE: Date of Publication
Supersedes Decision No. WA81-5163 dated December 4, 1981, in 46 FR 59457
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Area 1	$19.99	$2.38
Area 2	20.48	2.51
Area 3	17.84	2.34
BOILERMAKERS	18.41	3.59
BRICKLAYERS; MARBLE SETTERS:		
Area 1	16.58	3.20
Area 2	17.28	1.62
Area 3	17.84	2.12
Area 4	18.50	2.93
Area 5	17.11	2.85
Area 6	16.75	1.70
Area 7	16.76	3.07
Area 8	17.64	3.25
Area 9	18.51	2.98
CARPENTERS:		
Area 1:		
Carpenters; Lathers	15.85	3.32
Piledriver; Saw Filer; Stationary Power woodworking tool Operator	16.00	3.32
Boom Men; Carpenters working on burned, charred, creosoted, or similarly treated material	16.10	3.32
Piledriver (creosoted material)	16.25	3.32
Millwrights and Machine Erectors	16.35	3.32
Area 2:		
Carpenters and Drywall Applicators	17.06	2.66
Carpenters on Creosoted material	17.16	2.66
Sawfilers; Stationary Power Saw; Floor Finisher; Floor Layer; Shinglers; Floor Sander and other stationary power woodworking tools	17.19	2.66
Millwrights and Machine Erectors	17.56	2.66
CARPENTERS: (AREA 2): (Cont'd)		
Piledrivers; Bridge, Dock and Wharf Builders	$17.26	$2.66
Acoustical Workers	17.22	2.66
Boommen	17.31	2.66
Area 3:		
Acoustical and Drywall Applicator, Automatic Nailing Machine, Carpenters, Form Strippers, Manhole Builders	16.19	3.32
Floor Layers and Finishers, Stationary Power Saw Operator	16.34	3.32
Millwrights and Machine Erectors	16.44	3.32
Certified Welders	16.59	3.32
Piledrivermen; Bridge, Dock and Wharf Builders	16.29	3.32
Boommen	16.39	3.32
Area 4:		
Carpenters	16.27	3.32
Piledriver; Sawfiler, Stationary power woodworking tool Operator	16.42	3.32
Boom Men; Carpenters working on burned, charred, creosoted, or similarly treated material	16.52	3.32
Piledriver; Creosoted material	16.63	3.32
Millwrights and Machine Erectors	16.77	3.32
CEMENT MASONS: (AREA 1):		
Base Rate (Zone 1):		
Group 1	15.50	3.55
Group 2	16.00	3.55
Group 3	16.50	3.55
Zone Differential (Add to Base Rate):		
Zone 2 - $1.25		
Zone 3 - 1.75		
Zone 4 - 2.50		
Zone 5 - 3.05		

	Basic Hourly Rates	Fringe Benefits
CEMENT MASONS: (Cont'd)		
Area 2:		
Cement Masons	$17.86	$2.55
Composition, Color, Mastic, Trowel Machine; Grinder, Power Tool Gunnite Nozzleman	18.11	2.55
Area 3:		
Cement Masons	14.63	2.20
Composition, Color, Mastic, Trowel Machine, Grinder, Power Tools Gunnite Nozzleman	14.88	2.20
Area 4:		
Cement Masons	15.49	4.02
Composition Materials and power machinery	15.80	4.02
Area 5:		
Group 1	15.88	3.20
Group 2	16.38	3.20
Group 3	16.88	3.20
ELECTRICIANS:		
Area 1:		
Electricians	18.95	3%+2.27
Cable Splicers	19.35	3%+2.27
Area 2:		
Electricians	20.39	3%+3.53
Cable Splicers	21.41	3%+3.53
Area 3:		
Electricians	18.70	3%+3.30
Cable Splicers	20.57	3%+3.30
Area 4:		
Electricians	20.37	3%+3.13
Cable Splicers	22.41	3%+3.13
Area 5:		
Electricians	20.80	3%+3.63
Cable Splicers	21.60	3%+3.63
Area 6:		
Electricians	19.50	8%+3.27
Cable Splicers	21.45	8%+3.27
Area 7:		
Electricians	17.98	11%+ 2.18
Cable Splicers	19.78	11%+ 2.18
Area 8:		
Electricians	20.55	3%+2.93
Cable Splicers	22.61	3%+2.93
ELECTRONIC TECHNICIANS:		
Area 1	10.00	3%+0.69
Area 2	13.66	2.63

	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTORS:		
Mechanics:		
Area 1	$18.555	a+2.465
Area 2	21.155	a+2.465
Area 3	18.06	a+2.33
Elevator Helpers - Areas 1,2, and 3 - 70% of Journeyman Rate plus the above Fringe Benefits		
Probationary Helpers - Areas 1, 2, and 3 - 50% of Journeyman Rate excluding Fringe Benefits		
GLAZIERS:		
Area 1	13.70	b+1.34
Area 2	15.50	2.56
Area 3	10.91	2.51
Area 4	13.79	2.04
Area 5	15.12	b+1.65
Area 6	12.86	1.60
Area 7	16.24	1.84
INSULATION APPLICATORS	13.22	2.34
IRONWORKERS	18.04	3.80
LATHERS:		
Area 1	17.77	2.75
Area 2	14.42	1.86
MASON TENDERS:		
Area 1:		
Mason Tenders (including Tenders of Plasterers, Bricklayers, Tile Setters, Marble Setters, and Terrazzo Workers; Topping for Cement Finishers and Mortar Mixers)	14.22	2.60
PAINTERS:		
Area 1:		
Brush	15.97	2.46
Drywall Taper	16.22	2.46
Steel; Spray; Steam Cleaning	16.47	2.46
Swing Stage or High work over 30 '	16.67	2.46
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	16.77	2.46
TV, Radio, and Electrical Transmission Towers	17.47	2.46
Area 2:		
Brush	13.73	2.99

	Basic Hourly Rates	Fringe Benefits
PAINTERS-AREA 2 (Cont'd)		
Spray	$14.28	$2.99
Bridges, High work over 50' (brush)	14.63	2.99
Bridges, High work over 50' (spray)	15.18	2.99
Drywall Finishers	15.48	2.11
Area 3:		
General Painters	16.74	2.26
Drywall Tapers	17.14	2.26
Industrial Painter	17.14	2.26
Area 4:		
Striper	16.65	1.83
Area 5:		
Journeyman Painters	15.97	2.46
Taper Finishers	16.22	2.46
Spray Painters, Steel Painters, Steam Cleaning, Acid Etching	16.47	2.46
Swing Stage Work or high work over 30 ft.	16.67	2.46
Bitumastic, Sand Blasting, Bridges, Towers, Stacks, Steeples, Tank on Legs	16.77	2.46
TV, Radio, and Electrical Transmission Towers	17.47	2.46
PLASTERERS:		
Area 1	15.88	3.20
Area 2	17.23	3.29
Area 3	15.07	3.21
PLASTERERS' TENDERS:		
Area 1	13.62	2.61
PLUMBERS:		
Area 1	17.50	6.07
Area 2	19.43	6.98
Area 3	19.74	6.21
Area 4	20.58	3.60
Area 5	19.00	6.07
ROOFERS:		
Area 1	14.56	4.10
Area 2	16.48	2.55
Area 3:		
Roofers; Waterproofers	18.23	2.27
Slate and Tile Roofers	18.48	2.27
Area 4:		
Roofers; Waterproofers	16.20	2.77
Slate and Tile Roofers	16.45	2.77
Area 5:		
Roofers; Waterproofers	15.25	1.81
Slate and Tile Roofers	15.75	1.81

	Basic Hourly Rates	Fringe Benefits
ROOFERS: (Cont'd)		
Area 6:		
Roofers	$16.85	$2.30
Handling of irritating material (coal tar or epoxy)	17.10	2.30
Handling of irritating material (coal tar or epoxy) in confined area	17.35	2.30
SHEET METAL WORKERS:		
Area 1	18.26	3%+2.73
Area 2	21.54	3%+2.24
Area 3	17.95	3%+4.13
Area 4	18.14	3%+2.05
Area 5	20.71	3%+3.07
Area 6	20.52	3%+3.07
SOFT FLOOR LAYERS:		
Area 1	14.49	1.44
Area 2	14.07	2.99
Area 3	15.00	2.34
Area 4	11.75	1.79
Area 5	16.03	3.09
Area 6	13.74	c+2.23
Area 7	13.91	3.07
Area 8	14.60	1.59
SPRINKLER FITTERS		
Area 1	19.16	4.49
Area 2	17.92	2.83
TERRAZZO WORKERS; TILE SETTERS:		
Area 1	15.10	3.05
Area 2	16.61	1.62
Area 3	15.75	2.12
Area 4	17.00	2.93
Area 5	17.31	3.05
Area 6	16.75	1.70
Area 7	16.76	3.07
Area 8	16.11	3.18
Area 9	13.84	2.11
TILE, MARBLE and TERRAZZO FINISHERS:		
Area 1	13.48	1.55
Area 2	15.70	2.10
Area 3	11.10	3.05
IRRIGATION and LANDSCAPE CONSTRUCTION: (STATEWIDE):		
Laborers	8.66	2.50
Plumbers	10.62	2.31
Power Equipment Operators	10.96	2.95

LABORERS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian (except DOE Hanford Site in Benton and Franklin Counties)

BUILDING CONSTRUCTION

GROUPS	BASE RATE	FRINGE BENEFITS
1	$13.72	$3.12
2	13.97	3.12
3	14.22	3.12
4	14.47	3.12

HEAVY AND HIGHWAY CONSTRUCTION

GROUPS	BASE RATE (ZONE 1)	ZONE DIFFERENTIAL - (Add to BASE RATE)
1	$13.72	Zone 2 - $1.15
2	13.97	Zone 3 - 1.60
3	14.22	Zone 4 - 2.30
4	14.47	Zone 5 - 2.95

FRINGE BENEFITS
$3.12

AREA 2
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County

GROUPS	BASE RATE	FRINGE BENEFITS
1-A	$10.13	$2.88
1-B	15.16	2.88
2	15.50	2.88
3	15.64	2.88
4	15.74	2.88

AREA 3
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties, and the Southern portion of Pacific County

GROUPS	BASE RATE (ZONE 1)	ZONE DIFFERENTIAL - (Add to BASE RATE)
1	$13.60	Zone 2 - $0.65
2	13.95	Zone 3 - 1.15
3	14.25	Zone 4 - 1.70
4	14.50	Zone 5 - 2.75
		Zone 6 - 3.55

FRINGE BENEFITS:
$3.55

AREA 4
Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties lying west of the 120th Meridian

GROUPS	BASE RATE	FRINGE BENEFITS
1-A	$10.13	$2.88
1-B	15.16	2.88
2	15.50	2.88
3	15.64	2.88
4	15.74	2.88

LABORERS (CONT'D) (AREA 5)
DOE Hanford Site in Benton and Franklin Counties

GROUPS	BASE RATE	FRINGE BENEFITS
1	$14.10	$3.12
2	14.35	3.12
3	14.60	3.12
4	14.85	3.12
5	15.10	3.12

LINE CONSTRUCTION

		BASE RATE (ZONE 1)
Group 1:	Cable Splicer, Leadman Pole Sprayer	$19.30
Group 2:	Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	17.44
Group 3:	Tree Trimmer	15.74*
Group 4:	Line Equipment Man	15.02
Group 5:	Head Groundman, Powderman, Jackhammer Man	13.13
Group 6:	Head Groundman (Chipper)	13.13*
Group 7:	Groundman	12.34

ZONE DIFFERENTIAL (Add to BASE RATE)	FRINGE BENEFITS
Zone 2 - $2.00	Groups 1 to 3 - $2.55+3½%
Zone 3 - 2.75	Groups 4 to 7 - 1.85+3½%
Zone 4 - 3.50	
Zone 5 - 4.75	

*Groups 3 and 6 receive BASE RATE ONLY (no Zone Differential)

ZONE DEFINITIONS -LINE CONSTRUCTION ONLY

BASE RATE (Zone 1): 0 to 3 miles radius from the geographical center of the Cities listed below
Zone 2: 3 to 20 miles radius
Zone 3: 20 to 35 miles radius
Zone 4: 35 to 50 miles radius
Zone 5: Over 50 miles radius

BASE POINTS

Bellingham	Seattle	Astoria	Klamath Falls	Coeur D'Alene
Ellensburg	Spokane	Baker	Lakeview	Kellog
Ephrata	Tacoma	Bend	Medford	Lewiston
Everett	Walla Walla	Burns	Pendleton	Orofino
Kennewick	Wenatchee	Corvallis	Portland	Sand Point
Longview	Wilbur	The Dalles	Roseburg	Salem
Olympia	Yakima	Eugene	Umatilla	

BASE RATE is paid when working out of employer's permanent shop

POWER EQUIPMENT OPERATORS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian
(except DOE Hanford Site in Benton and Franklin Counties)

GROUPS	BASE RATE (ZONE 1)	ZONE DIFFERENTIAL - (Add to BASE RATE)
1	$13.65	Zone 2 - $1.25
2	13.95	Zone 3 - 1.75
3	14.50	Zone 4 - 2.50
4	14.65	Zone 5 - 3.05
5	14.80	
6	15.05	
7	15.30	
8	16.30	

FRINGE BENEFITS:
$4.10

AREA 2
All Counties and portions of Counties West of the 120th Meridian
(except those enumerated in Area 3)

GROUPS	BASE RATE	FRINGE BENEFITS
1	$18.73	$3.66
2	18.23	
3	17.79	
4	17.43	
5	17.13	
6	15.33	

AREA 3
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and
the Southern portion of Pacific County

GROUPS	BASE RATE (ZONE 1)	ZONE DIFFERENTIAL - (Add to BASE RATE)
1	$15.00	Zone 2 - $0.65
2	15.18	Zone 3 - 1.15
3	15.33	Zone 4 - 1.70
4	15.53	Zone 5 - 2.75
5	15.56	Zone 6 - 3.55
6	15.67	
7	15.74	
8	15.87	
9	15.96	
10	16.04	
11	16.06	
12	16.15	
13	16.25	
14	16.48	
15	16.67	
16	16.91	
17	17.10	
18	17.34	
19	17.52	

FRINGE BENEFITS:
$4.15

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS (Cont'd)		
DREDGING-AREA 1)		
All Counties and portions of Counties East of the 120th Meridian:		
Group 1	$16.75	$3.60
Group 2	16.85	3.60
Group 3	17.19	3.60
Group 4	17.24	3.60
Group 5	17.61	3.60
(DREDGING-AREA 2)		
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and the Northern part of Pacific County:		
Group 1	16.75	3.66
Group 2	16.85	3.66
Group 3	17.19	3.66
Group 4	17.24	3.66
Group 5	17.61	3.66
(DREDGING-AREA 3):		
Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties:		
Group 1	16.97	3.87
Group 1-A	17.68	3.87
Group 2	16.43	3.87
Group 3	16.02	3.87
Group 4	15.67	3.87
POWER EQUIPMENT OPERATORS: AREA 4:		
DOE Hanford Site in Benton and Franklin Counties:		
Group 1	14.28	4.10
Group 2	14.58	4.10
Group 3	15.13	4.10
Group 4	15.28	4.10
Group 5	15.43	4.10
Group 6	15.68	4.10
Group 7	15.93	4.10
Group 8	16.93	4.10
Group 9	18.68	4.10

TRUCK DRIVERS (AREA 1)
All Counties and portion of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

GROUPS	BASE RATE (ZONE 1)	ZONE DIFFERENTIAL - (Add to BASE RATE)
1	$15.19	Zone 2 - $1.25
2	15.23	Zone 3 - 1.75
3	15.29	Zone 4 - 2.50
4	15.38	Zone 5 - 3.05
5	15.59	
6	15.63	
7	15.69	
8	15.73	
9	15.84	
10	15.88	
11	16.19	
12	16.33	
13	16.49	
14	16.63	
FRINGE BENEFITS: $3.43		

AREA 2
All Counties and portions of Counties West of the 120th Meridian
(Except those enumerated in Area 3) including the Northern portion
of Pacific County and all of Kitttitas and Yakima Counties

GROUPS	BASE RATE	FRINGE BENEFITS:
1	$16.41	$2.92
2	16.46	
3	16.51	
4	16.62	
5	16.68	
6	16.72	
7	16.73	
8	16.79	
9	16.84	
10	16.86	
11	16.89	
12	16.99	
13	17.01	
14	17.05	
15	17.17	
16	17.21	
17	17.33	
18	17.38	
19	17.54	
20	17.70	
21	17.86	

TRUCK DRIVERS (Cont'd)
AREA 3
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties;
and the Southern portion of Pacific County

GROUPS	BASE RATE (ZONE 1)	ZONE DIFFERENTIAL - (Add to BASE RATE)
1	$14.69	Zone 2 - $0.65
2	14.74	Zone 3 - 1.15
3	14.79	Zone 4 - 1.70
4	14.84	Zone 5 - 2.75
5	14.89	Zone 6 - 3.55
6	14.99	
7	15.09	
8	15.19	
9	15.29	
10	15.46	
11	15.56	
12	15.66	
13	15.76	
14	15.86	
FRINGE BENEFITS: $3.74		

AREA 4
DOE Hanford Site in Benton and Franklin Counties

GROUPS	BASE RATE	FRINGE BENEFITS
1	$15.19	$3.48
2	15.23	
3	15.29	
4	15.38	
5	15.59	
6	15.63	
7	15.69	
8	15.73	
9	15.84	
10	15.88	
11	16.19	
12	16.33	
13	16.49	
14	16.63	

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

*Where Pacific County is stated as "Northern Portion" or "Southern Portion" such areas are defined as follows:

Pacific County (northern portion) - North of Wahkiakum County northern boundary extended due west to the Pacific Ocean

Pacific County (southern portion) - South of Wahkiakum County northern boundary extended due west to the Pacific Ocean

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day.
b. Two weeks' vacation with pay after 1 year employment. Also seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day.
c. 4% of all gross wages to be placed to the credit of the employee with less than one(1) year's service - 6% of all gross wages to be placed to the credit of the employee with more than one(1) year of service.

AREA and ZONE DESCRIPTIONS

ASBESTOS WORKERS:
Area 1: Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, and Okanogan Counties; Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Remaining Counties

BRICKLAYERS; MARBLE SETTERS:
Area 1: Adams County (except City of Othello); Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, and Stevens Counties; Grand Coulee Dam Area in Okanogan County; and Whitman County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan and Douglas Counties; Okanogan (except area of Grand Coulee Dam)
Area 4: Clallam, Island, Jefferson, King, Kitsap, and Snohomish Counties; Skagit County (south of the Cities of Burlington, Sedro-Woolley and Concrete)
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and ten mile strip bordering the Columbia River in Klickitat County

AREA and ZONE DESCRIPTIONS (Cont'd)

BRICKLAYERS; MARBLE SETTERS: (Cont'd)
Area 6: Grant County and the portion of Adams County including the City of Othello
Area 7: Kittitas and Yakima Counties; Klickitat County (except a ten mile strip bordering the Columbia River)
Area 8: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 9: San Juan County; Skagit County (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof); and Whatcom County

CARPENTERS:
Area 1: All Counties and parts of Counties east of the 120th Meridian except DOE Hanford Site in Benton and Franklin Counties
Area 2: All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion), Skamania and Wahkiakum Counties
Area 4: DOE Hanford Site in Benton and Franklin Counties

CEMENT MASONS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbia, Douglas, Ferry, Garfield, and Grant Counties; Kittitas County (except western portion lying one mile west of the City of Easton); Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties:

ZONES 1 , 2, 3, and 4
Travel Zone Centers: Moses Lake, Wenatchee, Pasco, Yakima, *Coeur D'Alene, *Walla Walla, Spokane and Lewiston

Area 2: Clallam, Grays Harbor, and Jefferson Counties; King County (southern portion); Kitsap County; Kittitas County (western portion lying one mile west of the City of Easton); Lewis and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 3: Island, San Juan, Skagit, and Snohomish Counties; King County (northern portion); Whatcom county
Area 4: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 5: DOE Hanford Site in Benton and Franklin Counties

GROUP DESCRIPTIONS FOR CEMENT MASONS AREAS 1 and 5

Group 1: Journeyman Cement Mason, includes but not limited to: Rodding, Tamping, Floating, Troweling, Patching, Stoning, Rubbing, Sack Rubbing; All exposed aggregate finishing, setting of Screeds, Screed Forms, Curb and gutter and sidewalk forms, Preparation of all concrete for caulking of the joints and the caulking of expansion joints, Preparation of concrete for the application of hardeners, sealers and curing compounds and their application; Grouting and dry packing of Machine Base; Removal of Snap Ties and She-bolts prior to patching of concrete

Group 2: Power Troweling Machine Operator; Troweling of Magnesite, Torganal or material with epoxy base or oxychloride base; All power Grinders, Brushing Hammer, Chipping Gun, Gunnite Nozzleman; All sandblasting for architectural finishes and exposing of aggregate for finish; Concrete sawing and cutting for expansion joints and scoring for decorative patterns; Operating of Clary-type Floats, Longitudinal Floats, Rodding Machines and Belting Machines; Scarifiers

Group 3: Grinding, Brushing or Chipping of toxic materials or high density concrete; Operating power tools on a Scaffold

AREA DESCRIPTIONS (Cont'd)

ELECTRICIANS:
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, and Yakima Counties
Area 3: Chelan, Douglas, Grant, and Okanogan Counties
Area 4: Clallam, Jefferson, King, and Kitsap Counties
Area 5: Clark, Klickitat, and Skamania Counties
Area 6: Cowlitz and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, Mason, Pierce, Pacific, and Thurston Counties
Area 8: Island, San Juan, Skagit, Snohomish, and Whatcom Counties

ELECTRONIC TECHNICIANS:
(Installation and repair of low-voltage communication and alarm systems, excluding any work under the jurisdiction of a journeyman wireman):
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Clallam, Jefferson, King, and Kitsap Counties

ELEVATOR CONSTRUCTORS:
Area 1: Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

AREA DESCRIPTIONS (Cont'd)

GLAZIERS:
Area 1: Adams County (northeastern portion); Ferry County; Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern corner); Chelan, Douglas, and Grant Counties; Lincoln County (western half); and Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Clallam, Island, Jefferson, Grays Harbor, King, Kitsap, Lewis, and Mason Counties; Pacific (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 6: Yakima and Kittitas Counties
Area 7: Clark, Cowlitz, and Klickitat Counties, Pacific County (southern portion); Skamania and Wahkiakum Counties

LATHERS:
Area 1: Clallam, Island, Jefferson, King, Kitsap, and Lewis Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, and Whatcom Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

MASON TENDERS:
Area 1: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

PAINTERS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, and Thurston Counties; Pacific County (northern portion); and Whatcom County
Area 4: Statewide except Wahkiakum, Cowlitz, and Skamania Counties
Area 5: DOE Hanford Site in Benton and Franklin Counties

PLASTERERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties

AREA DESCRIPTIONS (Cont'd)

PLASTERERS: (Cont'd)
Area 2: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

PLASTERERS' TENDERS:
Area 1: All Counties and portions of Counties east of the 120th Meridian

PLUMBERS:
Area 1: Chelan County; Kittitas County (north of 47°15' N. Lat.); Douglas County (west of the 119°30' W. Long.); Okanogan County (except the area lying east of the 119°31' W. Long., North to 48°30' N. Lat.)
Area 2: Adams County (southern portion), Asotin County (except the City of Clarkston), Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, and Yakima Counties; Douglas County (east of 119°30' W. Long.); Ferry County (west of a line drawn from Creston in Lincoln County northward to the Canadian Border), Kittitas County (south of 47°15' N. Lat.), Lincoln County (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan County (east of 119°30' W. Long. and south of 48°30' N. Lat.)
Area 3: Adams County (northern portion including the City of Ritzville), Asotin County (City of Clarkston only), Cowlitz County; Ferry County (east to a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, and Lewis Counties; Lincoln County (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, Clark, and Skamania Counties (those portions lying north of a east-west line drawn through Woodland eastward to the Klickitat County Line
Area 4: Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line
Area 5: Clallam, King, and Jefferson Counties; and all Dam Sites on the Skagit River in Whatcom County

ROOFERS:
Area 1: Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Benton, Franklin, Kittitas, Klickitat and Yakima Counties
Area 3: Clallam, Jefferson, King, Kitsap, Mason, and Snohomish Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum Counties
Area 5: Island, San Juan, Skagit, and Whatcom Counties
Area 6: Clark and Skamania Counties

AREA DESCRIPTIONS (CONT'D)

SHEET METAL WORKERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties
Area 2: Clallam, Jefferson, Kitsap, and Mason Counties
Area 3: Clark and Skamania Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum counties
Area 5: King, Kittitas, Island, and Snohomish Counties
Area 6: Whatcom, Skagit, and San Juan Counties

SOFT FLOOR LAYERS:
Area 1: Adams County (northeastern portion); Ferry County; Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern portion); Chelan, Douglas, and Grant Counties, Lincoln County (western half); Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Island, King, Kitsap, Skagit, and Snohomish Counties
Area 6: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 8: Yakima and Kittitas County

SPRINKLER FIITTERS:
Area 1: Skagit, Snohomish, King, Island, Kitsap, Pierce, and Thurston Counties
Area 2: Remaining Counties

TERRAZZO WORKERS; TILE SETTERS:
Area 1: Adams County (except that portion which include the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam area in Okanogan County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan and Douglas Counties; Okanogan County (except area of Grand Coulee Dam)
Area 4: Clallam, Island, Jefferson, King, and Kitsap Counties; Skagit County (south of the Cities of Burlington, Sedro-Woolley and Concrete); Snohomish County
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and a ten-mile strip bordering the Columbia River in Klickitat County
Area 6: Grant County and that portion of Adams County which includes the City of Othello
Area 7: Kittitas, Klickitat (except 10 mile strip bordering the Columbia River), and Yakima Counties
Area 8: Grays Harbor, Lewis, Mason, Pierce, and Thurston Counties
Area 9: San Juan County; Skagit County (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof); Whatcom County

AREA DESCRIPTIONS (Cont'd)

TILE, MARBLE and TERRAZZO FINISHERS:
Area 1: All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 2: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and a ten-mile stirp bordering the Columbia River in Klickitat County
Area 3: Adams County (except that portion which includes the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam area in Okanogan County

ZONE DESCRIPTIONS (AREA 1)

LABORERS
(Heavy and Highway)
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

Travel Zone Centers:
Moses Lake Pasco Spokane Lewiston
*Coeur d'Alene *Walla Walla
*15 mile free Zone

ZONE 1 - within a 15 mile radius from the center of the above named Cities
ZONE 2 - 15-30 miles radius from the center of the above named Cities
ZONE 3 - 30-45 miles radius from the center of the above named Cities
ZONE 4 - 45-90 miles radius from the center of the above named Cities
ZONE 5 - over 90 miles radius from the center of the above named Cities

ZONE DESCRIPTIONS (AREA 3) ONLY

LABORERS
Goldendale, Longview and Vancouver
POWER EQUIPMENT OPERATORS
Astoria, Goldendale, Hood River, Longview
The Dalles and Vancouver
TRUCK DRIVERS
Astoria, Goldendale, Longview, The Dalles and Vancouver

ZONE 1 - all jobs or projects located within 10 miles of the respective City Hall
ZONE 2 - more than 10 miles but less than 25 miles from the respective City Hall
ZONE 3 - more than 25 miles but less than 35 miles from the respective City Hall
ZONE 4 - more than 35 miles but less than 45 miles from the respective City Hall
ZONE 5 - more than 45 miles but less than 75 miles from the respective City Hall
ZONE 6 - more than 75 miles from the respective City Hall

LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian (Except DOE Hanford Site in Benton and Franklin Counties)

BUILDING, HEAVY, and HIGHWAY CONSTRUCTION

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeezecrete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and Reference Post, Sign Posts, and Right-of-way Markers); General Laborer; Grout Machine Header Tender; Nippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Well-point Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper; Track Laborer; Railroad Equipment, power driven; Dual Mobile Power Spiker or Puller

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power driven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Powderman; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts; Powderman receives $0.25 an hour additional

LABORERS (Cont'd) (AREAS 2 and 4)

AREA 2
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4 and the Northern portion of Pacific County

AREA 4
Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties lying West of the 120th Meridian

Group 1-A: Window Washer

Group 1-B: General Laborer; Asphalt Laborer; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car and Truck Loader; Carpenter Tender; Cement Handler; Changehouse or Dry Shack; Choker Setter; Clean-up Laborer; Concrete Form Stripper; Concrete and Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition: wrecking and moving (including charred material); Ditch Digger; Drierman; Dumpman; Elevator Feeders; Faller and Bucker, hand; Fence Laborer; Fine Grader; Form Setter; Grout Machine Header Tender; Header Laborer and Guard-rail Erector; Housewrecker; Material Yard Man (including electrical); Nipper-swamper; Pilot; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signalman; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (at job site); Track Laborer; Truck Spotter; Vinyl Seaming

Group 2: Air, Gas, or Electric Vibrating Screed; Anchor Machine; Ballast Regulator Machine; Chipper; Choker Splicer; Chuck Tender; Clary Power Spreader and others; Concrete Saw; Epoxy Technician; Gabian Basket Builder; Grinder; Groutman (pressure) including Post Tension Beams; Jackhammer; Multiple Tamper; Pavement Breaker; Pipe Pot Tender; Pipe Wrapper Powderman's Tender; Power Jack; Power Wheelbarrow or Buggy; Railroad Spike Puller; Ribbon Setter, head; Rip Rap Man, head; Rodder; Sloper (over 20'); Stake Hopper; Tamper (multiple and self-propelled); Tamper and similar electric and air operated tools; Topman - Tailman; Wagon Driller and Air Track Tender; Well Point Laborer

Group 3: Bit Grinder and Drill Doctor; Cement Dumper - paving; Cement Finisher Tender; Faller and Bucker Chain Saw; Grade Checker and Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman and Hodcarrier; Nozzleman (concrete pump, Green Cutter when using combination of high pressure air and water on concrete and rock, Sandblast, Gunnite, Shotcrete) Water Blaster; Pipe Layer and Caulker; Powderman; Raker-asphalt; Spreader (carries grade with Rodder); Timberman - sewer (Lagger, Shorer and Cribber); Tugger Operator; Vibrator; Wagon Driller and Air Track Operator

Group 4: Caisson Worker; Laser Beam Operator (tunnel); Miner; Spader, tunnel; Powderman; Re-timberman Pipe Reliner (not insert type)

LABORERS (Cont'd)
Area 3
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties, and the Southern portion of Pacific County

Group 1: General Laborer; Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers' Tenders; Dumpers, road oil crew; Dumpman (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Tender; Pittsburgh Chipper Operator or similar types; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipman; Slopers; Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman - Crusher (aggregate when used); Railroad Track Laborers

Group 2: Applicator (including Pot Tender for same) applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, power spreader and similar types; Clean-up Nozzleman-Greencutter (concrete, rock, etc.); Concrete power Buggyman; Crusher Feeder; Demolition and wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sand Blasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers; Ribbon Setter, head; Rip Rap Man, head, hand placed; Sand Blasting (wet); Stake Setter; Tunnel-Muckers; Brakemen; Concrete Crew; Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators; Air Tracks; Cat Drills; Wagon Drills; Rubber - mounted Drills and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers; Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying); Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer (Pipe Layers); Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, multiple Tampers, power Jacks; Tugger Operator; Tunnel Chuck Tenders; Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (Cont'd)
AREA 5
DOE Hanford Site in Benton and Franklin Counties

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeezecrete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and reference Post, Sign Posts, and Right-of-way Markers); Flagman; General Laborer; Grout Machine Header Tender; Nippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Wellpoint Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power driven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

Group 5: Powderman

POWER EQUIPMENT OPERATORS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 1: Bit Grinders; Bolt Threading Machine; Compressor, under 2,000 cu. ft. per minute, gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Driller's Tender; Fireman and Heater Tender; Grade Checker; Tender (Mechanic, H.D.); Oiler, Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or Compacting or Vibrator) except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine; Hydro-seeder

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator; Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more, gas, diesel or electric power); Concrete Saw multiple cut); Distributor Leverman; Elevator hoisting materials; Dope Pots (power agitated); Fork lift or Lumber Stacker; Hydralift and similar; Gin Trucks (Pipeline); Hoist, single drum; Loader (Bucker, Elevator and Conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker; Hydra Hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Beltcrete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Batch Plant and Wet Mix Operator, single unit (concrete); Bending Machine; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Mucking Machines; Soil Stabilizer (P & H or similar); Spreader Machine; Pump; Tractor to D-6 or equivalent and Traxcavator; Transverse Finish Machine, Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pump (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders Overhead and Front-end, under 4 yards R/T); Pave or Curb Extruders (asphalt or concrete); Refrigeration Plant Engineers (under 1,000 tons); Rubber-tired Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill, under 5" bit)

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 5: Backhoe (under 1 yard); Crane (25 tons and under); Derrick and Stifflegs (under 65 tons); Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Piledriving Engineers; Paving (dual drum); Refrigeration Plant Engineer (1,000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

Group 6: Asphalt Plant Operator; Automatic Subgrader (Ditches and Trimmers (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (1 yard to 3 yards); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Blade (finish and bluetop) (Automatic, CMI, ABC, and similar when used as automatic); Boat Operator; Boom Cats (side); Cableway Controller (Dispatcher); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes (over 25 tons including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yards); Drill Doctor; H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards including 8 yards); Multiple Dozer Units with single blade; Quad-track or similar equipment; Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yards); Rubber-tired Scrapers, Multi-engine power with one scraper (Euclid, TS 24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Rubber-tired Scraper, multiple engines with two scrapers; Shovels (under 3 yards); Tractors (D-6 and equivalent and over); Trenching Machines (7 feet depth and over)

Group 7: Backhoe (3 yards and over); Cableway Operators; Clamshell Operator (3 yards and over); Cranes (over 45 tons to 85 tons); Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader 360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yards to 10 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 8: Cranes (85 tons and over, and all climbing, rail and tower); Loaders (OverHead and Front-end, 10 yards and over); Helicopter Pilot

POWER EQUIPMENT OPERATORS (Cont'd)
AREA 2
All Counties and portions of Counties West of the 120th Meridian
(except those enumerated in Area 3)

Group 1: Cranes, 100 tons and over or 200' of boom including jib and over; Loaders, 8 yards and over; Shovels and attachments, 6 yards and over

Group 2: Cableways; Cranes, over 45 tons up to 100 tons or over 150' including jib; Rollagon; Tower Crane; Helicopter, Winch; Remote Control Operator; Loader, Overhead, 6 yards up to 8 yds.; Shovels, Backhoes, over 3 yards to 6 yards; Slipform Pavers; Scrapers, self-propelled, 45 yards and over; Quad 9, HD 41, D-10

Group 3: Concrete Batch Plant Operator; Bump Cutter; Cranes, 20 tons through 45 tons; Hydralifts; Chipper; Crushers; Derrick; Drilling Machine; Finishing Machine; Loaders, Overhead, under 6 yards; Mechanics; Mixers, Asphalt Plant; Motor Patrol Graders, finishing; Pump Truck mounted Concrete Pump with boom attachment; Piledriver Operator; Screed Man; Shovels, Backhoes, 3 yards and under; Subgrader, Trimmer; Tractors, Backhoe, over 60 HP; Scrapers, Self-propelled, under 45 yards

Group 4: Brooms; Dozers, D-9 and under; Paydozers; A-Frame Crane; Cranes up to 20 tons; Conveyors; Hoists, Air Tugger; Loaders, elevating type; Fork Lifts; Motor Patrol Grader, non-finishing; Mucking Machine; Concrete Pumps; Roller, Plant Mix or Multi-lift materials; Saws, Concrete; Scrapers, Carryall; Spreaders, Blaw Knox; Trenching Machines; Equipment Service Engineer; Oiler Driver on Truck Cranes over 45 tons; Tractor, Backhoe, 60 HP and under

Group 5: Oiler Driver on Truck Cranes, 45 tons and under; Oil Distributors, blower; Assistant Engineer (formerly Oiler classification); Pavement Breaker; Posthole Digger, mechanical; Power Plant; Wheel Tractors, Farmall type; Compressor; Pumps, water; Rollers, other than plant mix;

Group 6: Gradechecker and Stakeman

AREA 3
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties;
and the Southern portion of Pacific County

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties;
and the Southern portion of Pacific County

Group 2: Blade Operator, pulled type; Truck Crane Oiler - driver, 25 ton capacity or over; Crane Fireman (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Tender; Auger; Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Tender; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite Work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Serivce Oiler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties;
and the Southern portion of Pacific County

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck, double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without Front End attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring Operator or Grader; Pot Rammer

Group 8: Diesel-electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loader, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type lifting device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yds.; Loader, Front End and Overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. Flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC 12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller - Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu .yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine; Single Scraper, with Push-pull attachments, self-loader; Paddle Wheel, auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties;
and the Southern portion of Pacific County

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 40 tons; Pile-driver Operator; Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, auger type, finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley, over 80 ton and including 150 ton; Floating Crane (Derrick Barge), 80 ton, but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane, 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in connection with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane, 250 ton and over; Remote contolled earth moving equipment; Underwater equipment, remote or otherwise

POWER EQUIPMENT OPERATORS (Cont'd)
DREDGING

AREA 1 - All Counties and portions of Counties East of the 120th Meridian
AREA 2 - All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and the Northern part of Pacific County

Group 1: Assistant Mate (Deckhand)

Group 2: Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 4: Craneman, Engineer Welder

Group 5: Leverman, Hydraulic

AREA 3
Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

Group 1: Leverman, Hydraulic

Group 2-A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, attending Dredging Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

AREA 4
DOE Hanford Site in Benton and Franklin Counties

Group 1: Bit Grinders; Bolt Threading Machine; Compressors (under 2000 CFM, gas, diesel or electric power); Crusher Feeder (mechanical); Deck Hand; Driller Tender; Fireman and Heater Tender; Grade Checker; Mechanic or Welder, H.D.; Hydro-seeder, Mulcher, Nozzleman; Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar, or Compacting Vibrator), except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine

POWER EQUIPMENT OPERATORS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 2: A-Frame Truck (single drum); Assistant Refrigeration Plant (under 1000 ton); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2000 CFM or over, 2 or more, gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Ditch Witch or similar; Elevator, hoisting materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket, elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job only); Tractor (Farm type R/T with attachments, except Backhoe); Tugger Operator

Group 3: A-Frame Truck (2 or more drums); Assistant Regrigeration Plant and Chiller Operator (over 1000 ton); Backfillers (Cleveland and similar); Batch Plant and Wet Mix Operator, single unit (concrete); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Bend Machine; Bob Cat; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginau or similar); Canal Lining Machine (concrete); Cleaning and Doping Machine (pipeline); Deck Engineer; Elevating Belt-type Loader (Euclid, Barber Green and similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Posthole Auger or Punch; Pump (Grout or Jet); Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (to D-6 or equivalent) and Traxcavator; Traverse Finish Machine; Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pumps (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Curb Extruder (asphalt or concrete); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders (Overhead and Front-end, under 4 yds. R/T); Refrigeration Plant Engineers (under 1000 ton); Rubber-tire Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill under 8" bit)

Group 5: Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Paving (dual drum); Refrigeration Plant Engineer (1000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

POWER EQUIPMENT OPERATORS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 6: Automatic Subgrader (Ditches and Trimmers)(Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoe (under 1 yd.); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Boat Operator; Cableway Controller (Dispatcher); Cranes (25 tons and under); Derricks and Stifflegs (under 65 tons); Drill Doctor; Multiple Dozer Units with single blade; Paving Machine (asphalt and concrete); Piledriving Engineers; Quad-track or similar equipment; Rollerman (finishing pavement); Trenching Machines (7 ft. depth and over)

Group 7: Asphalt Plant Operator (Backhoes (1 yd. to 3 yds.); Blade (finish and Bluetop) Automatic, CMI, ABC and similar when used as automatic; Boom Cats (side); Cableway Operators; Clamshell Operators (under 3 yds.); Concrete Slip Form Paver; Cranes (over 25 tons, including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yds.); Elevating Belt (Holland type); H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards, including 8 yards); Mucking Machine; Quad-track or similar equipment; Rubber-tired Scrapers; Shovels (under 3 yards); Tractors (D-6 and equivalent and over)

Group 8: Backhoes (3 yards and over); Cranes (over 45 tons, to 85 tons); Cranes (85 tons and over, and all climbing, rails and tower); Clamshell Operator (3 yards and over); Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yards); Helicopter Pilot; Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 9: Transi-lift

TRUCK DRIVERS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material); tireperson No. 1

TRUCK DRIVERS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck, 1,801 - 4,000 gallons

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flat Bed Truck (with hydraulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

Group 5: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom Dump (over 6 yards to 12 yards); Oil Distributor Driver (Road, Boot Person, Lever Person, Tender)

Group 6: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards); Semi Truck and Trailer 50 tons and under; Lowboy

Group 8: Low Boy (over 50 tons); Water Tank Trucks, 8,001 to 10,000 gallons; Tractor with Steer Trailer; Truck mounted Crane with load bearing surface, either mounted or pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end, and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

Group 10: Mechanic, Field

Group 11: Tournarocker, D. W.'s and similar, with 2 to 4 wheel power tractor with trailer, gallonage or yardage scale, whichever is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end, and bottom dump (over 30 yards to 40 yards); Water Tank Truck, 12,001 to 14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end, and bottom dump (over 40 yards to 50 yards)

Group 13: Trucks, side, end, and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those numerated in Area 2) including the Northern portion of Pacific Countyand all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at Bunkers and Batch Plants; Pickup Trucks, Escort or Pilot Car; Swampers; and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site (warehousing); Dumpsters and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks, side, end and bottom dump, including Semitrucks and Trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Trucks, up to 1,600 gallons; Winch Truck, single rear axle; Wrecker, Tow Truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Trucks, 1,6000 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tankers; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

TRUCK DRIVERS (AREA 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (Except those enumerated in Area 3) including the Northern portion of Pacific County and all of Kittitas and Yakima Counties

Group 13: Dumpster and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

AREA 3
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on Concrete Dry Batch Plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Tender; Truck Mechanic Tender; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and Wet or Dry Mix Trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

TRUCK DRIVERS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Stadddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and Wet or Dry Trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and Wet or Dry Mix Truck, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic - Welder - Body Repairman; Water Wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity) over 7,000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 11 cu. yds. and including 13 cu. yds.; Water Wagon (rated capacity) over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

TRUCK DRIVERS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties and the Southern portion of Pacific County

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

AREA 4
DOE Hanford Site in Benton and Franklin Counties

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired Pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yds. and under); Trucks, side, end, and bottom dump (under 6 yds.); Water Tank Truck, 1,801 - 4,000 gallons

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. and under); Flat Bed Truck (with hydraulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

Group 5: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom Dump (over 6 yards to 12 yards); Oil Distributor Driver (road, Boot Person, Lever Person, Tender)

Group 6: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards); Semi Truck and Trailer; Lowboy 50 tons and under

TRUCK DRIVERS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 8: Low Boy (over 50 ton); Water Tank Trucks, 8,001 to 10,00 gallons; Tractor with Steer Trailer; truck mounted Crane with load bearing surface, either mounted or pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end, and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yds. to 20 yds.); Trucks, side, end, and bottom dump (over 30 yards to 40 yards); Water Tank Truck, 12,001 to 14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yds.); Trucks, side, end, and bottom dump (over 40 yds. to 50 yds.)

Group 13: Trucks, side, end, and bottom dumps (over 50 yds. to 100 yds.)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

Drivers and Tenders (hauling sacked cement - add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

DECISION NO. CA82-5112 - Mod. #1
(47 FR 31154 - July 16, 1982)

Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties,,California

Change:	Basic Hourly Rates	Fringe Benefits
Bricklayers; Stonemasons:		
Area 1	$18.85	$5.75
Area 6	19.00	3.87
Carpenters:		
Area 1:		
Carpenters; Millwrights Hardwood Floorlayers; Shinglers; Power Saw Operator; Steel Scaffold Erector and Steel Shoring; Saw Filers	18.45	6.225
Area 2:		
Carpenters Hardwood Floorlayers; Shinglers; Power Saw Operators; Steel Scaffold Erector and Steel Shoring; Saw Filers	17.55	6.225
	17.70	6.225
Cement Masons	16.30	5.93
Electricians:		
Area 2:		
Electricians	14.15	5.175
Area 8:		
Electricians	17.85	4.10
Cable Splicers	19.64	4.15
Area 10:		
Electricians	19.37	3.78
Cable Splicers	21.31	3.84
Elevator Constructors:		
Mechanics	27.295	2.69+a
Helpers	19.11	2.69+a
Probationary Helpers	13.65	
Glaziers:		
Area 3	15.40	4.98
Area 4	13.58	2.00
Ironworkers:		
Fence Erectors	16.41	7.03
Reinforcing, Ornamental, and Structural	17.30	7.03
Line Construction:		
Area 1:		
Groundman	17.26	5.12
Line Equipment Operators	20.71	5.22
Linemen	23.01	5.29
Cable Splicers	25.01	5.35
Area 3:		
Groundmen	17.03	4.07
Linemen; Line Equipment Operators	17.85	4.10
Area 10:		
Groundmen	$12.00	$3.46
Equipment Operators	13.00	3.49
Linemen	15.00	3.55
Painters:		
Area 3:		
Brush	16.20	2.57
Hazardous coating Spray; Sandblasting; Taping	17.20	2.57
	16.70	2.57
Area 6:		
Brush	19.38	5.13
Spray; Sandblasting; Steam Cleaning	19.88	5.13
Drywall Finisher	19.68	5.13
Brush (exterior stage) 5, 6, and 7 story buildings; Erected steel over 50 feet	19.98	5.13
Area 8:		
Brush	19.49	5.13
Spray	19.99	5.13
Spray (coating) and Paperhangers	20.24	5.13
Taper (paint)	20.53	5.13
Plasterers:		
Area 2	20.05	7.25
Area 6	15.80	5.85
Plasterers' Tenders:		
Area 2	16.16	4.45
Plumbers; Steamfitters:		
Area 1	19.72	6.71
Area 3	26.34	9.37
Area 4	19.00	5.43
Area 5	26.29	5.69
Area 7	24.17	7.80
Roofers:		
Area 7	18.85	2.90
Sheet Metal Workers:		
Area 2	17.93	4.50
Sprinkler Fitters:		
Area 2	21.87	2.83
Steamfitters:		
Area 1	27.66	4.32
Terrazzo Workers:		
Area 1	18.85	5.75
Tile Setters:		
Area 1	20.36	3.82

[FR Doc. 82-21785 Filed 8-12-82; 8:45 am]
BILLING CODE 4510-27-C

federal register

Friday
August 13, 1982.

Part III

Department of Education

Strengthening Research Library Resources Program (Title II-C HEA); Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 778

Strengthening Research Library Resources Program (Title II–C HEA)

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education is issuing final regulations for the Strengthening Research Library Resources Program. These final regulations reorganize the current regulations, reduce program requirements, and implement statutory changes made by the Education Amendments of 1980.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Frank A. Stevens, U.S. Department of Education, 400 Maryland Avenue SW., Room 3622, ROB–3, Washington, D.C. 20202. Telephone (202) 245–9530.

SUPPLEMENTARY INFORMATION:

Background

Since fiscal year 1978, the Strengthening Research Library Resources Program, established by Title II, Part C of the Higher Education Act (the Act), 20 U.S.C. 1021, has provided financial assistance to institutions with major research libraries. The awards promote research and education of high quality and encourage sharing of library resources.

In a notice published in the **Federal Register** on March 27, 1981 (46 FR 19000), the Secretary announced his intention to review and, as appropriate, amend certain regulations in order to comply with the requirements of Executive Order 12291 and its overall objective to reduce regulatory burden. The Secretary published in the **Federal Register** on October 28, 1981 (46 FR 53370), a Notice of Proposed Rulemaking (NPRM) and invited public comment on the proposed rule. During the 45 days allowed for comment, 23 comments were received. The overall reaction to the proposed regulations was supportive and positive, particularly to the plan to use two sets of selection criteria and to the new approach to achieving a broad and equitable geographical balance. A number of commenters remarked that generally the proposed rule was better organized than and an improvement over the existing final regulations. In addition to the specific comments on the proposed rule, a number of commenters took the opportunity to reflect on related concerns affecting research librarianship.

Public Comments on the NPRM

Comments and responses to the NPRM can be found in Appendix A to the regulations.

Summary of Changes

The final regulations contain no significant changes from the NPRM. Minor editorial revisions and corrections have been made to clarify and simplify meanings. They include:

- In § 778.5 *What definitions apply * * *?* two changes have been made. A definition of "consortium" that clarifies the term as it applies to this program has been added. The definition of "network" has been deleted since the term "network" no longer appears in the regulations.
- In § 778.10 *What are the objectives * * *?* objectives (d) and (e) have been combined into a single (a) to eliminate ambiguity. The objectives have been rearranged in alphabetical order.
- § 778.20 *How does one apply for a grant?* has been deleted since the application process is described in 34 CFR Part 75 of the Education Department General Administrative Regulations (EDGAR).
- In § 778.31 *What are the criteria for evaluating applicants?* certain factors in paragraphs (c) and (e) have been rearranged to be listed under the most relevant headings.
- Technical revisions in headings and numbering have been made.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. Small entities affected by these regulations include nonprofit organizations and small institutions of higher education. The regulations contain paperwork compliance and reporting requirements, but these will not have a significant economic impact on the small entities participating in the program.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 778

College and universities, Education, Grant programs—education, Libraries, Museums, and Research.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

Dated: August 10, 1982.

(Catalog of Federal Domestic Assistance No. 84.091, Strengthening Research Library Resources Program)

T. H. Bell,

Secretary of Education.

The Secretary revises Part 778 of Title 34 of the Code of Federal Regulations to read as follows:

PART 778—STRENGTHENING RESEARCH LIBRARY RESOURCES PROGRAM

Subpart A—General

Sec.

778.1 The Strengthening Research Library Resources Program.
778.2 Who is eligible to receive a grant under the Strengthening Research Library Resources Program?
778.3 Who is ineligible to receive a grant under the Strengthening Research Library Resources Program?
778.4 What regulations apply to the Strengthening Research Library Resources Program?
778.5 What definitions apply to the Strengthening Research Library Resources Program?

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

778.10 What are the objectives of the Strengthening Research Library Resources Program?
778.11 What are the authorized activities of the Strengthening Research Library Resources Program?

Subpart C—How Does One Apply for a Grant? [Reserved]

Subpart D—How does the Secretary Make a Grant?

Sec.
778.30 How does the Secretary judge applications?
778.31 What are the criteria for evaluating applicants?
778.32 What are the criteria for evaluating the quality of the project?
778.33 How is geographical balance achieved?

Subpart E—What Conditions Must Be Met by a Grantee? [Reserved]

Subpart F—What Are the Administrative Responsibilities of a Grantee?

778.50 What agencies shall be informed of activities under the Strengthening Research Library Resources Program?

Subpart G—What Compliance Procedures Are Used by the Department of Education? [Reserved]

Authority: Part C of Title II of the Higher Education Act of 1965, as amended by the Education Amendments of 1980, Pub. L. 96-374, 94 Stat. 1383 (20 U.S.C. 1021, *et seq.*).

Subpart A—General

§ 778.1 The Strengthening Research Library Resources Program.

The Secretary awards grants for the purpose of promoting research and education of high quality throughout the United States by providing financial assistance to help the Nation's major research libraries—

(a) Maintain and strengthen their collections; and

(b) Make their holdings available to other libraries whose users have need for research materials.

(Sec. 201 of the Act, 20 U.S.C. 1021)

§ 778.2 Who is eligible to receive a grant under the Strengthening Research Library Resources Program?

(a) The Secretary awards grants under this part to institutions with major research libraries. An institution with a major research library—

(1) Is a public or private nonprofit institution, including the library resources of an institution of higher education, an independent research library, or a State or other public library, and

(2) Has a library collection which is available to qualified users that—

(i) Makes a significant contribution to higher education and research;

(ii) Is broadly based;

(iii) Is recognized as having national or international significance for scholarly research;

(iv) Is of a unique nature, and contains material not widely available; and

(v) Is in substantial demand by researchers and scholars not connected with the applicant institution.

(b) The Secretary uses the selection criteria in § 778.31 in determining an applicant's strength as a major research library.

(c) The requirements in paragraph (a)(2) of this section must be met by an applicant in order to be eligible for a grant under this part. In the case of a consortium, these requirements must be met by the library collection of the consortium and not by the separate collections of the libraries which make up the consortium.

(Sec. 231 of the Act, 20 U.S.C. 1041)

§ 778.3 Who is ineligible to receive a grant under the Strengthening Research Library Resources Program?

(a)(1) An applicant may not receive a grant under the Strengthening Research Library Resources Program for the same fiscal year it receives a grant under section 211 of the Act (Resource Development Grants of the College Library Resources Program) or section 224 of the Act (Special Purpose Grants under the Library Training, Research, and Development Program).

(2) For purposes of paragraph (a)(1) of this section, each branch campus of an institution of higher education is considered to be a separate institution. Therefore, an applicant institution of higher education must respond to the eligibility requirements and evaluation criteria in this part without regard to any of its library collections located at a branch campus which receives a grant in the same fiscal year under section 211 or section 224 of the Act.

(b) Notwithstanding the criteria in §§ 778.31 and 778.32, the Secretary will not fund a project eligible for assistance under other Federal programs authorizing grants to support research libraries, such as the Medical Library Assistance Act of 1965 (as amended by Pub. L. 93-353) unless the application—

(1) Documents that payments under this part will not duplicate payments under other Federal programs; and

(2) Demonstrates a special need for funding under this part.

(Sec. 231 of the Act, 20 U.S.C. 1041)

§ 778.4 What Regulations apply to the Strengthening Research Library Resources Program?

The following regulations apply to the Strengthening Research Library Resources Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions), and Part 78 (Education Appeals Board).

(b) The regulations in this Part 778.

(20 U.S.C. 3474)

§ 778.5 What definitions apply to the Strengthening Research Library Resources Program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Acquisition.
Applicant.
Application.
Department.
EDGAR.
Fiscal year.
Grant.
Nonprofit.
Private.
Project.
Public.
Secretary.
State.

(b) *Definitions that apply to this part.* The following additional definitions apply to this part:

"Act" means the Higher Education Act of 1965, as amended by the Education Amendments of 1980.

"Branch campus" means a campus of an institution of higher education located in a community of the United States different from that of the parent institution, not within a reasonable commuting distance from the main campus, and which has college level programs for which library facilities, services, and materials are necessary.

"Consortium" means a nonprofit organization of library institutions which has as its purpose sharing library resources, coordinating collection development or engaging in similar, cooperative activities.

"Institution of higher education" means the type of institution defined by section 1201 of the Act.

"Primary clientele" means students, faculty, or other registered users of the applicant or grantee.

"State agency" means the State agency designated under section 1203 of the Act.

(Sec. 1201 of the Act, 20 U.S.C. 1141 and 3474)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 778.10 What are the objectives of the Strengthening Research Library Resources Program?

Applicants are encouraged to design projects that will accomplish one or more of the following objectives—

(a) Adapt, convert, or create library records for unique research materials

which expand or otherwise complement the national bibliographic data base and which conform to highest national standards.

(b) Augment unique collections of specialized research materials.

(c) Preserve or maintain unique research materials in danger of deterioration.

(d) Promote the sharing of library resources.

(Sec. 201 of the Act, 20 U.S.C. 1021, 3474)

§ 778.11 What are the authorized activities of the Strengthening Research Library Resources Program?

Funds provided under this part may be used to achieve one or both of the purposes specified in § 778.1. Authorized activities may include, but are not limited to—

(a) Acquiring books and other materials to be used for library purposes.

(b) Binding, rebinding, and reparing books and other materials to be used for library purposes, and preserving such materials by making photocopies, by treating paper or bindings to lengthen the life, or by other means.

(c) Catologing, abstracting, and making available lists and guides of the library collection.

(d) Distributing library materials and bibliographic information to users beyond the primary clientele through the mail or through electronic, photographic, magnetic, optical, or other means of reproduction.

(e) Acquiring additional equipment and supplies that will assist in making library materials available to users beyond the primary clientele.

(f) Hiring necessary additional staff to carry out activities funded under this part.

(g) Communicating with other institutions.

(h) Performing evaluations.

(i) Disseminating information.

(Sec. 201 of the Act, 20 U.S.C. 1021, 3474)

Subpart C—How Does One Apply for a Grant? [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 778.30 How does the Secretary judge applications?

In evaluating applications for new grants, the Secretary uses two sets of criteria. The Secretary uses the first set of criteria (§ 778.31) to determine the applicant's significance as a major research library. To be eligible to compete for a grant an applicant must score at least 65 points of the 100 points possible for the first set of criteria. The Secretary then evaluates the quality of those projects proposed by eligible applicants according to the second set of criteria (§ 778.32).

(20 U.S.C. 3474)

§ 778.31 What are the criteria for evaluating applicants?

The Secretary uses the criteria in this section to determine the applicant's significance as a major research library. The maximum score is 100 points. The Secretary reviews each application for information that shows the extent to which the applicant's library collection—

(a) Makes a significant contribution to higher education and research as measured by factors such as—(20 points)

(1) The major research projects for which the library has made resources available in the past fiscal year;

(2) The amount the applicant expended in research funds from all sources, and the number of projects conducted by the institution with these funds in the past fiscal year; and

(3) Evidence that the institution is an established and recognized part of the world of advanced research and scholarship.

(b) Is broadly based as measured by factors such as—(20 points)

(1) The number of subject areas covered or the comprehensiveness of special collections;

(2) The number of volumes and titles, manuscripts, microforms, and other types of materials;

(3) The number of volumes and titles and other materials added to the collection in the previous fiscal year; and

(4) The number of current periodical subscriptions.

(c) Is recognized as having national or international significance for scholarly research as measured by factors such as—(20 points)

(1) The number or percentage of interlibrary loans made or copies of materials provided by the applicant during the past year to libraries outside the geographic region in which the applicant is located;

(2) The number or percentage of such loans made or copies provided to libraries located outside the United States; and

(3) The extent to which loans of the applicant's materials described in paragraphs (c)(1) and (2) of this section are made under formal, cooperative arrangements.

(d) Is of a unique nature, and contains material not widely available, as measured by factors such as—(20 points)

(1) The number and nature of special collections containing research materials not widely available;

(2) The availability of printed, computerized, or otherwise published catalogs or other guides to the special collections; and

(3) Evidence which demonstrates possession of uncommon library resources necessary to support advanced research and scholarship.

(e) Is in substantial demand by researchers and scholars not connected with the applicant institution as measured by factors such as—(20 points)

(1) The number or percentage of loan requests coming from users outside the applicant's primary clientele;

(2) The extent to which the applicant lends more on interlibrary loan than it borrows;

(3) The number or percentage of researchers and scholars outside the applicant's primary clientele who use its collection;

(4) The number of institutions with which the applicant has formal cooperative agreements to provide library and information services for researchers and scholars outside the applicant's primary clientele; and

(5) Active membership in a major computer-based bibliographic data base.

(Sec. 231 of the Act, 20 U.S.C. 1041, 3474)

§ 778.32 What are the criteria for evaluating the quality of the project?

The Secretary uses the criteria in this section to evaluate the quality of the proposed project. The maximum score is 100 points.

(a) *Description of the project.* (20 points)

(1) The Secretary reviews each application for information that shows the clarity of the project purpose.

(2) The Secretary looks for information that shows—

(i) A concise description of the project;

(ii) A clear statement of the project objectives; and

(iii) Evidence of adequate planning.

(b) *Significance of the project.* (30 points)

(1) The Secretary reviews each application for information that shows the importance of the project for scholarly research and inquiry.

(2) The Secretary looks for information that shows—

(i) The uniqueness of the project;

(ii) The size of the audience the project is intended to serve;

(iii) The extent of the need for the project;

(iv) The likelihood that the proposed project will increase the availability of the applicant's research collections;

(v) The likelihood that the proposed project will help the applicant maintain and strengthen its collections, particularly collections which have national or international significance for scholarly research; and

(vi) The likelihood that the applicant intends to disseminate the project accomplishments to the scholarly and professional communities.

(3) If a joint application is submitted by two or more institutions, the Secretary considers the likelihood of significant project accomplishments as a result of the cooperative undertaking.

(c) *Plan of operation.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purposes of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

Cross-reference—See EDGAR 34 CFR 75.112 (Proposed project period and a timeline).

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its non-discriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for this project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(g) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. Cross-reference—See EDGAR 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(h) *Institutional commitment.* (5 points) The Secretary looks for information that shows the extent of the applicant's commitment to the project, its capability to continue the project, and the likelihood that it will build upon the project when Federal assistance ends.

(20 U.S.C. 3474)

§ 778.33 How is geographical balance achieved?

(a) The Secretary endeavors to achieve a broad and equitable geographical distribution throughout the Nation of projects funded under this part.

(b) After evaluating the applications according to the criteria in § 778.32, the Secretary determines whether or not the most highly rated applications are broadly and equitably distributed. The Secretary may select other applications for funding if doing so would improve the geographical distribution of projects. Before selecting other applications the Secretary will consider—

(1) The geographical distribution of projects during the preceding five fiscal years; and

(2) The impact on the needs of the research community.

(Sec. 232 of the Act, 20 U.S.C. 1042, 3474)

Subpart E—What Conditions Must Be Met by a Grantee? [Reserved]

Subpart F—What Are the Administrative Responsibilities of a Grantee?

§ 778.50 What agencies shall be informed of activities under the Strengthening Research Library Resources Program?

Each institution of higher education which receives a grant under this part shall annually inform the State agency designated under section 1203 of the Higher Education Act, as amended, of its activities under this part.

(Sec. 202 of the Act, 20 U.S.C. 1022)

Subpart G—What Compliance Procedures Are Used by the Department of Education? [Reserved]

Appendix A to Part 778—Comments and Responses to Notice of Proposed Rulemaking

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

The following is a summary of the public comments received on the proposed regulations published on October 28, 1981 (46 FR 53370), and the Department of Education responses to those comments. Generally, the comments are presented according to the numbered order of the regulations.

§ 778.2 Who is eligible to receive a grant under the Strengthening Research Library Resources Program?

Comment. One commenter urged that the regulations more clearly explain if a consortium could apply for support under the Strengthening Research Library Resources Program for its own library or for the library collection of one of its members. Another commenter asked whether an institution could receive funding if the institution itself is

not a major research library but contributes to the major research library status of a consortium.

Response. No change has been made. Section 778.2(c) of the final regulations states that a consortium is eligible to apply if it can meet the requirements listed in § 778.2 based on the library collection of the consortium and not the separate collections of the consortium members. A consortium member may request support in a separate application for its own collection. However, a member of a consortium may apply on its own for a grant only if, on the strength of its own collection, it is an institution with a major research library within the meaning of § 778.2.

§ 778.5 What definitions apply to the Strengthening Research Library Resources Program?

Comment. One commenter suggested that a definition of consortium be included.

Response. A change has been made. Section 778.5 has been revised to include a definition of consortium as it applies to this program.

Comment. One commenter suggested that the definition of "network" be rewritten because it could be interpreted as excluding libraries that belong to organizations that have as members libraries in the for-profit sector.

Response. A change has been made. The definition of "network" has been deleted as the term "network" no longer appears in the regulations.

§ 778.10 What are the objectives of the Strengthening Research Library Resources Program?

Comment. One commenter suggested that the augmentation of "unique collections" be considered of lowest priority because the high cost of acquiring library materials will reduce the amount of grant funds available under the Strengthening Research Library Resources Program to achieve the other stated objectives of the program. The commenter further argued that many of the problems of research libraries stem from neglecting the responsibilities that result from increased collection growth.

Response. No change has been made. The authorizing statute states that one of the purposes of the Strengthening Research Library Resources Program is to assist research libraries "in maintaining and strengthening their collections." 20 U.S.C. 1021. Supporting the acquisition of unique materials is one way of achieving this goal.

Comment. One commenter recommended that the program objective of promoting the sharing of library resources be deleted; the commenter argued that although promoting the sharing of library resources is a worthy goal, the commenter did not believe it could be equated with the other objectives of the program—Augmenting, preserving, and accessing library collections.

Response. No change has been made. The authorizing statute states that the Strengthening Research Library Resources Program assists "the Nation's major research libraries * * * in making their holdings available to other libraries whose users have need for research materials * * *." 20 U.S.C. 1021.

Comment. Two commenters suggested that § 778.10 (d) and (e) in the NPRM were ambiguous and could be combined. Another commenter suggested that program objectives be listed in alphabetical order.

Response. A change has been made. Section 778.10 has been amended in accordance with these comments. Proposed paragraphs (d) and (e) in the NPRM have been combined into a revised (a) and the objectives have been listed in alphabetical order.

Comment. One commenter suggested that § 778.10(d) in the NPRM include a specific reference to cataloging responsibilities. Another commenter inquired if retrospective conversion of library records is encompassed in the program objectives.

Response. No change has been made. Section 778.10(a) of the final regulations, which emphasizes the importance of creating nationally accessible bibliographic records of unique materials that are valuable to scholarly research, adequately covers cataloging responsibilities. Retrospective conversion of library records means changing catalog records from one format to another, usually cards to machine readable form. This activity is covered in § 778.10(a) of the final regulations which encourages applicants to "adapt, convert, or create library records * * *."

Comment. One commenter suggested that reference to "highest national standards" be deleted from § 778.10(e) in the NPRM. The commenter argued that this objective would imply that all bibliographic records created would have to conform to Anglo-American Cataloging Rules, 2nd ed., which the commenter stated is not economically feasible at this time. The commenter suggested that the program objective refer simply to "national standards."

Response. No change has been made. The program objective in the revised § 778.10(a), which incorporates the proposed § 778.10 (d) and (e), refers to the "highest national standards." This section is a statement of desired project goals. It is appropriate that in setting sights for program accomplishments the highest standards be considered. The program objectives stated in § 778.10 are not priorities or requirements; however, applicants are encouraged to conform to highest national standards. It is presumed that any deviation from these standards will be justified in the application.

§ 778.11 What are the authorized activities of the Strengthening Research Library Resources Program?

Comment. One commenter suggested that bringing certain important collections under bibliographic control should be specifically mentioned as an authorized project activity under § 778.11.

Response. No change has been made. This activity is included in § 778.11 (c) and (d), which specify that cataloging and distributing bibliographic information are authorized activities.

§ 778.30 How does the Secretary judge applications?

Comment. Three commenters indicated that they were not certain whether the points received for an applicant's significance as a major research library under § 778.31 will be added to the points received for the quality of the proposed project under § 778.32 or whether an applicant that received at least 65 points under § 778.31 will compete for funding solely on the basis of the points awarded under § 778.32. One commenter expressed concern because there is no direct relationship between an applicant's scores under § 778.31 and § 778.32.

Response. No change has been made. The criteria under § 778.31 and § 778.32 are separate sets of criteria. Those applicants that score at least 65 points under § 778.31 are eligible to compete for a grant and will be evaluated under § 778.32 to determine the quality of the project proposed. Funding will be awarded on the basis of the points awarded under § 778.32, not under § 778.31. This use of separate criteria will require applicants to plan their projects carefully.

Comment. One commenter asked if outside reviewers will be used to evaluate applications.

Response. No change has been made. The Strengthening Research Library Resources Program is subject to 34 CFR 75.217(a) of EDGAR, which states that the Secretary in reviewing applications "may use one or more groups of experts

to evaluate the applications submitted under each program." It is expected that a panel of non-Department of Education reviewers will review and evaluate applications submitted under this program. This group will be broadly representative of the research library community and may include researchers, scholars, and librarians.

§ 778.31 What are the criteria for evaluating applicants?

Comment. One commenter said that many of the criteria are overly quantitative and do not reflect the qualitative standards emphasized by Congress. Under these criteria, the commenter feared that small institutions with research collections of substantial significance and uniqueness might be precluded from receiving awards. The commenter suggested that it would be appropriate to consider an alternative system of weighting for institutions that are not able to meet the proposed criteria. Another commenter suggested lowering the minimum qualifying score for applicants in rural areas so that they could compete better with large institutions.

Response. A change has been made. Section 778.31 has been revised by adding "such as" in the description of each criterion of a major research library. This will give an applicant maximum flexibility in establishing its status as a major research library, within the meaning of the Act. Also the separation of the criteria to evaluate significance as a major research library from the criteria to evaluate the quality of a proposed project is intended to enable smaller institutions to compete successfully with larger institutions that in past years have received funding primarily on the basis of institutional strength. However, lowering the minimum score or establishing an alternative system of weighting for small institutions would not focus this program on major research libraries as required by the Act.

Comment. One commenter recommended that eligibility as a major research library be established for several years.

Response. No change has been made. The selection criteria in § 778.31 are used to determine an applicant's strength as a major research library. An applicant's response to these criteria presumably could vary from year to year.

Comment. Two commenters stated that it is not possible for an applicant to identify the number of major research projects for which it has made resources available as requested in § 778.31(a)(1). One commenter stated that the meaning of "resources" was unclear.

Response. A change has been made. Section 778.31(a) has been reworded. "Resources" in § 778.31(a)(1) means library holdings. The purpose of this criterion is to learn to what extent the applicant's collection supported research activities. The wording has been changed to request information on the nature of the research projects supported rather than a quantitative measure of research projects.

Comment. One commenter recommended that the language of § 778.31(a)(3) be amended to elicit information on the library's contributions to higher education, as well as advanced research and scholarship. Another commenter recommended adding as a quantitative measure in § 778.31(a)(3) the number of doctoral programs offered and the number of doctoral degrees awarded.

Response. No change has been made. "Advanced research and scholarship" are directly related to higher education, and, therefore, an applicant's response to § 778.31(a)(3) would address its contributions to higher education. This criterion has been stated generally in order to make it pertinent to the wide-range of applicants, including those that do not confer doctoral degrees, that are eligible under the Strengthening Research Library Resources Program. However, an applicant could include information on doctoral programs and degrees in response to § 778.31(a)(3).

Comment. One commenter stated that § 778.31(c) places too great an emphasis on interlibrary loan statistics. Another commenter suggested that § 778.31(c) be revised to recognize the increasing importance of interlibrary borrowing. The commenter argued that an institution with a high borrowing rate may be better serving its primary clientele than an institution with a high lending rate, as its high borrowing could indicate intense support for the research and study being done by the institution's faculty and primary clientele.

Response. No substantive change has been made. Certain editorial changes in § 778.31(c) have been made and the distinction between lending and non-lending libraries has been eliminated. The statute defines a major research library in terms of the national or international significance of its collection, its uniqueness, and the substantial demand for its collection by researchers and scholars not connected with the library. The criteria under § 778.31(c) of the final rule are appropriate measures of these characteristics.

The criteria do not emphasize the extent of applicant's interlibrary borrowing because the statute defines a major research library as an institution with resources that are unique, not widely available, and in substantial demand by the research community. A measure of borrowing, although providing a sign of strong institutional support for ongoing research efforts and an indication of the interdependence of research institutions, does not reflect these considerations.

Comment. One commenter suggested that § 778.31(c)(1)(i) of the proposed rule be deleted or revised to request interlibrary loan information on loans made to libraries located outside the State in which the applicant is located rather than on the total number of loans. The commenter argued that a high total volume of interlibrary loans may not be indicative of importance to scholarly research as many libraries of state-supported institutions participate in a hierarchical interlibrary loan system.

Response. A change has been made. The statute focuses on the demand for the applicant's collection on a national or international level. To the extent that the applicant's interlibrary loan activity reflects local demand it is not relevant to this concern. Section 778.31(c) (1) and (2) of the final regulations refers only to interlibrary loan activity outside the applicant's geographic region and outside the United States.

Comment. One commenter suggested the term "geographic region" referred to in § 778.31(c)(1)(ii) of the proposed rule should be defined.

Response. No change has been made. To avoid making arbitrary distinctions based on State lines and to maximize an applicant's flexibility in demonstrating that it is of national or international significance the term "geographic region" is not defined.

Comment. One commenter recommended that § 778.31(c)(1)(i) of the proposed rule be placed under § 778.31(e) in that the interlibrary loan statistics requested are a useful measure of demand on a library collection.

Response. A change has been made. In accordance with this comment, certain factors listed in § 778.31(c) and (e) have been reworded or rearranged to be listed under the most relevant heading. For purposes of this program the volume of interlibrary loan activity is considered to be an effective measure of a library collection's national or international significance for scholarly research, as well as a measure of the demand placed on a library collection by researchers. Information concerning the volume of interlibrary loans that

shows the demand placed on a library collection by researchers on a national or international level is requested by § 778.31(c) of the final regulations while that information which shows demand by researchers in general is requested by § 778.31(e) of the final rule.

Comment. One commenter suggested that § 778.31(c)(2)(iii) of the proposed rule, requesting information on the number of researchers and scholars who are from outside the geographic region of the library but who use its collection, be revised because the data are not generally obtainable.

Response. A change has been made. In accordance with this comment, § 778.31(e)(3) of the final regulations has been revised to request information on the number of researchers and scholars outside the applicant's primary clientele who use its collections. This information is collected by major research libraries and has been provided by applicants in the past.

Comment. Six commenters representing both institutions of higher education and independent research libraries objected to § 778.31(c)(2)(iii) and to § 778.31(c)(3) of the proposed rule, which would require an applicant to report the number of research hours researchers and scholars spent in the library during the past year. The commenters argued that this information is not normally collected and to request it would impose a burden on applicants.

Response. A change has been made. Section 778.31(c)(2)(iii) and § 778.31(c)(3) of the proposed rule have been revised by deleting the reference to research hours. However, an applicant that collects this information could include it in response to § 778.31(e) of the final rule.

Comment. One commenter suggested that an additional criterion be added under § 778.31(c), requesting other evidence of recognition of national or international significance for scholarly research.

Response. A change has been made. Section 778.31(c) has been reworded to create more flexibility in regard to this criterion. An applicant may include any information that demonstrates national or international significance for scholarly research.

Comment. One commenter suggested that the introductory phrase in § 778.31(e) emphasize the availability of the library's collection and be revised to read: "Is available to and in substantial demand by other than its primary clientele * * *." The commenter argued that possessing a collection that is in "subtantial demand" can characterize both the research and non-research library.

Response. A change has been made. Section 778.31(e) has been reworded to reflect the language of the authorizing statute, which refers to "substantial demand by researchers and scholars not connected with that institution." 20 U.S.C. 1041(a)(2).

Comment. One commenter stated that § 778.31(e)(2) of the proposed rule requesting information on loans made through formal, cooperative arrangements is not a criterion that supports the sharing of resources. The commenter argued that such agreements may in actuality deter lending to a larger universe of institution not participating in such formal agreements.

Response. No change has been made. This criterion, which is set forth in § 778.31(c)(3) of the final regulations, is intended to reflect what the applicant is actually doing to promote the sharing of resources. It is an example of a method which encourages the maximum use of the library's resources within the research community.

Comment. One commenter argued that membership in a computer-based network is not a measure of the demand for the library collection and suggested that §§ 778.31(e)(3) and 778.31(e)(4) of the proposed rule be combined into one criterion that would include "active membership in a major computer-based bibliographic data base" as evidence of the availability and widespread use of materials.

Response. A change has been made. In accordance with this comment, § 778.31(e)(5) has been added to the final regulations to refer to an applicant's membership in a major computer-based bibliographic data base. Section 778.31(e)(4) of the proposed rule is deleted. As noted above, § 778.31(e) is reworded to give an applicant more flexibility in establishing that its collection is in demand.

§ 778.32 What are the criteria for evaluating the quality of the project?

Comment. One commenter recommended that the points for the plan of operation described in § 778.32(c) be increased in value to 25 points from 15 points and that the points for the description of the project described in § 778.32(a) be reduced to 10 points from 20 points.

Response. No change has been made. The description of the project is important because it is an indication of adequate planning and clarity of purpose.

Comment. One commenter suggested that the regulations should require that project activities incorporate a recognition and adherence to national bibliographic standards. The commenter recommended that a new paragraph be added to § 778.32(a).

Response. No change has been made. The Secretary believes that conformance to national bibliographic standards is adequately addressed in § 778.10(a) as part of the program objectives.

§ 778.33 How is geographical balance achieved?

Comment. One commenter recommended that the present method of assuring regional balance in the selection of grantees be retained, contending that the proposed rule would give the Secretary too much discretion in determining the distribution of grant awards. Another commenter supported the proposed rule, but cautioned that care should be taken not to overly penalize some institutions with worthy projects, because they happen to be located in a state or region with a considerable number of other large research libraries.

Response. No change has been made. The Secretary endeavors "to achieve broad and equitable geographical distribution throughout the nation" (20 U.S.C. 1042) in making grants. However, the law does not prescribe any particular mechanism to accomplish this distribution. In awarding grants under this program, the Secretary will be guided as much as possible, consistent with the intent of Congress to achieve broad and equitable distribution of awards, by the quality of the proposed project.

General Comments

Comment. One commenter noted that the regulations do not contain a section concerning the duration of project activities and asked if projects selected for funding will be limited to one-year activities.

Response. No change has been made. The duration of project activities is included in EDGAR and, therefore, does not need to be repeated in the regulations. Section 75.250 of 34 CFR (EDGAR) states that the Secretary may approve a project period of up to 60 months duration. Multi-year project periods have been supported by this program in the past.

Comment. A number of commenters expressed the desire that materials acquired and/or preserved with funds awarded under this program have the broadest possible availability to researchers and scholars. Some commenters indicated that interlibrary loan costs should be minimized and that charges that would inhibit access should be discouraged. A similar concern was

expressed in regard to the sharing of bibliographic records created as a result of a Strenghening Research Library Resources grant. The commenter suggested that the regulations require these records to be shared for the cost of reproduction.

Response. No change has been made. While a library must impose legitimate charges for services it offers, applicants are encouraged to be sensitive to the affect of the imposition of fees on the sharing of resources and records. However, the Secretary does not believe it would be appropriate to regulate further the administrative practices of grantees.

Comment. One commenter suggested that the program would be better focused and that program funds would yield more productive results if the research library community would agree to a national plan of action that would identify goals which the Strengthening Research Library Resources Program could address.

Response. No change has been made. To some extent recognized national problems in library and information science have been addressed in Title II–C funded projects. Among the areas that have drawn particular attention are the retrospective conversion of records of unique research collections, development of a national serials data base, cataloging of large microform sets, and preservation of unique materials. The research library community is encouraged to work through the appropriate professional organizations to continue to define areas for attention. However, the Secretary believes that letting an applicant choose its goals without restriction will result in projects that are more responsive to the needs of scholars using this Nation's major research libraries.

[FR Doc. 82–22119 Filed 8–12–82; 8:45 am]

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