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Tuesday
August 24, 1982

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Railroad Retirement Board

Air Pollution Control
Environmental Protection Agency

Animal Drugs
Food and Drug Administration

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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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Rules and Regulations

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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.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Administrative Practice and Procedure

AGENCY: Merit Systems Protection Board.

ACTION: Amendment of rules.

SUMMARY: The Judicial Conference of the United States has adopted the 8½×11 inch paper size standard for use throughout the Federal Judiciary and directed the elimination of the use of legal size paper measuring 8½×14 inches, effective January 1, 1983. This change requires the Merit Systems Protection Board to amend its regulations immediately since appellate pleadings submitted currently will reach the judicial stage, if at all, around the January 1, 1983, deadline for eliminating legal size paper in U.S. Courts. Therefore, the Board finds good cause to issue a final amendment to its rules.

EFFECTIVE DATE: August 24, 1982.

FOR FURTHER INFORMATION CONTACT: Kathy Semone, (202) 653-7200.

Regulatory Flexibility Act Statement

The Chairman, Merit Systems Protection Board, Certifies that the Board is not required to prepare an initial or final regulatory analysis of this rule, pursuant to section 603 or 604 of the Regulatory Flexibility Act, because of his determination that this rule would not have a significant economic impact on a substantial number of small entities, including small business, small organizational units, and small governmental jurisdictions.

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure.

PART 1201—PRACTICES AND PROCEDURES

In § 1201.26, paragraph (d) is added to read as follows:

§ 1201.26 Number of pleadings, service, response, and paper size.

* * * * *

(d) *Paper size.* Pleadings and attachments must be submitted on 8½×11 inch paper size to comply with standards established for U.S. Courts.

Dated: August 6, 1982.

For the Board.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 82-22990 Filed 8-23-82; 8:45 am]

BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 413

[Amdt. No. 1]

Texas Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Texas Citrus Crop Insurance Regulations (7 CFR Part 413), effective with the 1982 crop year, by changing the present crop insurance policy from one based on a percent of loss (applied to a dollar amount of insurance) to one based on guaranteed production. The intent of this amendment is to respond to growers' concerns that the present method of indemnity payment based on a percentage of loss does not represent the actual production loss. Under the new method of insuring citrus in Texas, the policy will more nearly compensate the grower for actual production loss than the present policy does.

EFFECTIVE DATE: August 24, 1982.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this amendment applies (7 CFR Part 413) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981).

It has been determined by Merritt W. Sprague, Manager, Federal Crop Insurance Corporation, that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, or other persons in accordance with the provisons of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), and (3) this action conforms with the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this amendment applies are: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically upon 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 this action constitutes a review as to need, clarity, currency, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1. The sunset review date established for these regulations (7 CFR Part 413) is June 1, 1987.

The Federal Crop Insurance Corporation published a notice of proposed rulemaking in the **Federal Register** on Wednesday, April 7, 1982 (47 FR 14915-14919) prescribing procedures for insuring citrus in Texas, effective with the 1982 crop year, under the guaranteed production method. The public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received. The policy was placed on

file in the service office prior to May 16, 1982, and is in use for the 1982 crop year.

List of Subjects in 7 CFR Part 413

Crop insurance, Citrus fruits.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation herewith amends the Texas Citrus Crop Insurance Regulations (7 CFR Part 413), effective with the 1982 crop year, in the following instances:

PART 413—TEXAS CITRUS CROP INSURANCE

1. The Authority citation for 7 CFR Part 413 is revised to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516).

2. The table of contents for 7 CFR Part 413, is amended to read as follows:

Sec.
413.1 Availability of Texas citrus insurance.
413.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
413.3 Reserved.
413.4 Creditors.
413.5 Good faith reliance on misrepresentation.
413.6 The contract.
413.7 The application and policy.
Appendix A, Counties Designated for Texas Citrus Crop Insurance.

3. 7 CFR Part 413.2 is revised in its entirety to read as follows:

§ 413.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for Texas citrus which shall be shown on the actuarial table on file in the service office and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 413.7 [Amended]

4.7 CFR 413.7(c), is amended by deleting the year "1977" and substituting the year "1981".

5.7 CFR 413.7(d) is amended by deleting the "1981" and substituting the year "1982".

6.7 CFR 413.7(d), is amended by deleting the Texas Citrus Crop Insurance Policy in its entirety, and substituting the following:

Texas Citrus Crop Insurance Policy

Subject to the regulations of the Federal Crop Insurance Corporation (herein called "we," "us" or "our") and in accordance with the terms and conditions set forth in this policy and Appendix, we will upon acceptance of a person's (herein called "you" or "your") application insure your Texas citrus crop against unavoidable loss of production due to causes of loss insured against that are specified in this policy.

Terms and conditions

1. *Causes of loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, wildlife, earthquake, fire, or direct Mediterranean Fruit Fly damage occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on our actuarial table. Direct Mediterranean Fruit Fly damage shall be actual physical damage to the citrus on the unit which, as determined by us, causes such citrus to be unmarketable and shall not include unmarketability of such citrus as a direct result of a quarantine, boycott, or refusal to accept the citrus by any entity without regard to actual physical damage to such citrus.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by us, due to (1) the neglect or malfeasance of yourself or any member of your household, your tenants or employees, (2) failure to follow recognized good grove practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and acreage insured.* (a) The crop insured shall be any of the insurable citrus types listed below elected by you, located on insurable acreage, for which the actuarial table shows a guarantee and percentage premium rate, and in which you have a share on the date insurance attaches.

Type I, Early and Midseason Oranges (including Temples)
Type II, Late Oranges
Type III, Grapefruit, except the Star Ruby variety
Type IV, Star Ruby variety of Grapefruit

(b) The acreage insured for each crop year shall be that acreage of citrus located on insurable acreage as shown on the actuarial table, and your share therein as reported by you or as determined by us, whichever we shall elect: *Provided,* That insurance shall attach only after the acreage has (1) produced an average of 3 tons of oranges or grapefruit per acre the previous year or has the potential of 3 tons of oranges or grapefruit the crop year following a crop year in which substantial damage occurred and (2) is considered acceptable based upon our inspection, except that insurance may attach only by written agreement with us on any acreage if acceptable records are not available.

3. *Responsibility to report acreage, share, number of bearing trees, and yield.* You shall submit to us on our prescribed form, a report showing (a) all acreage of insured citrus in the county (including a designation of any acreage to which insurance does not attach) in which you have a share, (b) your share at the time insurance attaches, (c) the number of bearing trees thereon, including the number of trees topped, if any, and (d) the most recent year's production records for the insurable acreage on each unit. Such report shall be submitted each year not later than June 30.

4. *Production guarantees, coverage levels, and prices for computing indemnities.* For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

5. *Annual premium.* (a) The annual premium is earned and payable on the date insurance attaches and the amount thereof shall be determined by multiplying the insured acreage times the production guarantee per acre, times the price election per ton, times the percentage premium rate, times your share on the date insurance attaches, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

Percent adjustments for favorable continuous insurance experience																
	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss ratio[1] through previous crop year	Percentage adjustment factor for current crop year															
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70

Percent adjustments for favorable continuous insurance experience

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Percent adjustments for unfavorable insurance experience

	Numbers of years through previous year [2]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss ratio [1] through previous crop year	Percentage adjustment factor for current crop year															
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
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1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 to Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] Loss ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[2] Only the most recent 15 crop years will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity: *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due us may be set off from any indemnity payable to you by us and/or from any loan or payment to you under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance period.* Insurance on insured acreage shall attach each crop year on December 1 prior to such crop year, except that for the first crop year if the application is accepted by us after that date, insurance shall attach the later of (a) December 1 or (b) the tenth day after the date the application is signed by the applicant, and as to any portion of the citrus crop, shall cease upon the earliest of (1) harvest, (2) May 31 of the calendar year following the normal year of bloom, or (3) total destruction of the insured citrus crop.

7. *Notice of damage or loss.* (a) Any notice of damage or loss shall be given promptly in writing by you to us at your service office after insured damage to the citrus becomes apparent, giving the date(s) and cause(s) of such damage.

(b) If an indemnity is to be claimed on any unit, notwithstanding any prior notice of damage, you shall notify your service office of the intended date of harvest at least seven days prior to the start of harvest, and if damage occurs within the seven-day period prior to the start of or during harvest, notice of damage must be given immediately: *Provided,* That if harvest will begin after the calendar date for the end of the insurance period, you shall give written notice not later than the calendar date for the end of the insurance period. We may, at our option, waive the time limits set out in this section.

(c) The citrus on any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by us.

(d) We may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that you (1) establish the total production of citrus on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by us.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of citrus on the unit by the applicable guarantee per acre, which product shall be the guarantee for the unit, (2) subtracting therefrom the total production of citrus to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by your share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by us and shall include all harvested and appraised production.

(1) Any citrus production which is not marketed as fresh fruit and due to insurable causes does not contain 120 or more gallons of juice per ton, will be adjusted by (i) dividing the gallons of juice per ton obtained from damaged citrus (as determined by us) by 120 and (ii) multiplying the result by the number of tons of such citrus. When individual records are not available, an average juice content, as determined by us, will be used.

(2) Where the actuarial table provides for and you elect the fresh fruit option; citrus production which is not marketable as fresh fruit due to insurable causes, will be adjusted by (i) dividing the value per ton of the damaged citrus (as determined by us) by the price of undamaged citrus and (ii) multiplying the result by the number of tons of such citrus. The applicable price for undamaged citrus shall be; the local market price the week before damage occurred, or if the citrus is contracted, the contract price provided the contract was entered into between the producer and buyer before damage occurred, as determined by us.

(3) Any production shall be considered marketed or marketable as fresh fruit unless due to insurable causes, such production was not marketed as fresh fruit.

(4) In the absence of acceptable records to determine the disposition of harvested citrus,

we shall determine such disposition and the amount of such production to be counted for the unit.

(5) Any citrus on the ground which is not picked up and marketed shall be considered totally lost if the damage was due to any insured cause.

(6) Appraised production to be counted shall include: (i) any appraisals by us for potential production on any acreage and for uninsured causes and poor grove practices and (ii) not less than the guarantee for any acreage which is abandoned or put to another use without prior written consent from us or damaged solely by an uninsured cause.

(7) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and we determine that any such acreage (i) is not put to another use before harvest of the insured citrus type becomes general in the county, (ii) is harvested, or (iii) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. Misrepresentation and fraud. We may void the contract without affecting your liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. Transfer of right to indemnity on insured share. If you transfer any part of your share during the crop year, you may transfer the right to an indemnity on an approved form. You shall be liable for the premium if such form is or is not executed. If such form is executed, the transferee shall have the same rights and responsibilities as you for the current crop year.

11. Records and access to farm. You shall keep for two years after the time of loss, records of the harvesting, packout, storage, shipments, sale or other disposition of all citrus produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by us shall have access to such records and the grove for purposes related to the contract.

12. Life of contract: Cancellation and termination. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance on any type of citrus for any crop year by giving a written notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due us under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

County	Cancellation date	Termination date for indebtedness
All counties	November 30	November 30.

(d) In the absence of a written notice from the insured to cancel, and subject to the provisions of subsections (a), (b) and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix to § 413.7 (Additional Terms and Conditions)

1. Meaning of terms. For the purposes of Texas citrus crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by us which are on file for public inspection in your service office, and which show the production guarantees, coverage levels, percentage premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding citrus insurance in the county.

(b) "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

(c) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(d) "Crop year" means the period beginning with the date insurance attaches to the citrus crop and extending through normal harvest time and shall be designated by the calendar year in which the bloom is normally set.

(e) "Harvest" means any severance of citrus fruit from the tree either by pulling, picking, or severing by mechanical or chemical means, or picking up the marketable fruit from the ground.

(f) "Insurable acreage" means the land classified as insurable by us and shown as such on the county acutarial table.

(g) "Insured" means the person who submitted the application accepted by us.

(h) "Service office" means the office serving your contract as shown on the application for insurance or such other office as may, in writing, be selected by you after approval by us or designated by us upon written notice to you.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) "Share" means the interest of you as landlord, owner-operator, or tenant in the insured citrus crop at the time insurance attaches as reported by you or as determined by us, whichever we shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed your share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by us.

(k) "Tenant" means a person who rents land from another person for a share of the citrus crop proceeds therefrom.

(l) "Unit" means all insurable acreage of any one of the citrus types referred to in section 2 of this policy, located on contiguous land, on the date insurance attaches for the crop year (i) in which the insured has a 100 percent share or (ii) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the citrus crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office, or by written agreement between us and you. We shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and have the right to consider any acreage and share reported by or for your spouse or child or any member of your household to be the bona fide share of you or any other person having the bona fide share.

2. Acreage insured. (a) We reserve the right for any crop year (1) to exclude acreage from insurance or limit the amount of insurance on any acreage which was not insured the previous crop year and (2) to limit the insured acreage of citrus to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the time insurance attaches.

(b) If you do not submit an acreage report for any crop year in accordance with the provisions of section 3 of the policy, we may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero." If you do not have a share in any insured acreage in the county for any year, you shall submit a report so indicating. Any acreage report submitted by you may be revised only upon our approval.

3. Irrigated Acreage. (a) Where the actuarial table provides for insurance on an irrigated practice, you shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good irrigation practice at the time insurance attaches.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the insurance attaches as determined by us, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. Annual premium. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the

contract of your estate or surviving spouse in case of your death, (2) the contract of the person who succeeds you if such person had previously participated in the citrus operation, or (3) your contract if you stop operating a citrus grove in one county and start operating a citrus grove in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however,* any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. Claim for and payment of indemnity. (a) Any claim for indemnity on a unit shall be submitted to us on a form prescribed by us.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to us of any insured citrus acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by us, an action on such claim may be brought against us under the provisions of 7 U.S.C. 1508(c), as amended: *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by you.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by us. *However,* in no event shall we be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by us.

(f) If you die, disappear, or are judicially declared incompetent, or your entity is other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) we determine to be beneficially entitled thereto.

(g) We reserve the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and we determine that the amount of loss cannot be satisfactorily determined.

6. Subrogation. You (including any assignee or transferee) assign to us all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by us. You shall execute all required documents and take appropriate action as may be necessary to secure such rights.

7. Termination of the contract. (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If you die or are judicially declared incompetent, or your entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. Coverage level and price election. (a) If you have not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on our actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) You may, with our consent, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. Assignment of indemnity. Upon approval of a form prescribed by us, you may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. Contract changes. We reserve the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in your service office at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Appendix B Redesignated as Appendix A

9. Appendix B to the Texas Citrus Crop Insurance Policy, is redesignated as Appendix A, and the title thereof amended to read as follows:

Appendix A—Counties Designated for Texas Citrus Crop Insurance—7 CFR Part 413.

Approved by the Board of Directors on February 3, 1982.

Done in Washington, D.C., on June 8, 1982.

Date: August 12, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 82-22912 Filed 8-23-82; 8:45 am]

BILLING CODE 3410-08-M

Commodity Credit Corporation

7 CFR Part 1421

CCC Grain Price Support Regulations Governing the Grain Reserve Program for 1982 and Subsequent Crops and Alternative Program for 1981 and Prior Crops

Correction

FR Doc. 82-22068, published at 47 FR 35493, August 16, 1982 was inadvertently classified as a Proposed Rule and therefore published in the Proposed Rules section of the **Federal Register.** That document (FR Doc. 82-22068) is actually an Interim Rule and should have been published in the Rules section of the **Federal Register.**

BILLING CODE 1505-02-M

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7 CFR Part 1427

[Amdt. 2]

Cotton: Standards for Approval of Warehouses for Cotton or Cotton Linters

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The interim rule, which was published at 47 FR 15764 amending the Commodity Credit Corporation (CCC) regulations governing Standards for Approval of Warehouses for Cotton or Cotton Linters, is adopted as a final rule. This rule would permit a warehouseman to furnish an irrevocable letter of credit to CCC as security in order to satisfy the CCC Standards for Approval for the storage and handling of commodities which are owned by CCC or which are serving as collateral for a CCC price support loan.

EFFECTIVE DATE: August 24, 1982.

FOR FURTHER INFORMATION CONTACT: Barry W. Klein, Marketing Specialist, U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, Transportation and Storage Division, Storage Management Branch, P.O. Box 2415, Washington, D.C. 20013; (202) 447-7911.

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 "nonmajor". It has been determined that the provisions of this final 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.

This action will not have a major 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 rule since 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 final rule.

On April 13, 1982, an interim rule was published in the **Federal Register** (47 FR 15764) amending the regulations set forth at 7 CFR Part 1427 which govern the CCC Standards for Approval of Warehouses for Cotton or Cotton Linters. The interim rule permitted a warehouseman to furnish to CCC an irrevocable letter of credit in lieu of the required bond coverage in order to satisfy applicable CCC standards for approval of warehouses. In addition, the interim rule provided that an irrevocable letter of credit would be accepted by CCC only if the issuing bank is a commercial bank insured by the Federal Deposit Insurance Corporation. Comments were solicited for a period of 60 days after publication of the interim rule. No comments were received during the comment period.

List of Subjects in 7 CFR Part 1427

Cotton, Loan programs—agriculture, Packaging and containers, Price support programs, Surety bonds, and Warehouses.

PART 1427—COTTON

Accordingly, the interim rule published at 47 FR 15764 on April 13, 1982 with respect to the Standards for Approval of Warehouses for Cotton or Cotton Linters, is hereby adopted as a final rule without change.

(Secs. 4 and 5, Stat. 1070, as amended (7 U.S.C. 714b))

Signed at Washington, D.C., on August 18, 1982.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-23134 Filed 8-23-82; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL TRADE COMMISSION

16 CFR Part 460

Trade Regulation Rule; Labeling and Advertising of Home Insulation

AGENCY: Federal Trade Commission.

ACTION: Notice of lifting of stay of effective date of Final Rule.

SUMMARY: The Federal Trade Commission announces its decision to lift the temporary stay of the effective date of § 460.6 of the Rule, which requires that insulation R-values be determined by "representative thickness" testing. The Commission decided to lift the stay because thick calibration samples for such testing have been made available by the National Bureau of Standards.

DATE: Effective date of § 460.6: September 23, 1982.

FOR FURTHER INFORMATION CONTACT: Kent C. Howerton, 202-376-2891, or Lewis Rose, 202-376-2469, Attorneys' Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission's trade regulation rule concerning the labeling and advertising of home insulation (hereinafter cited as "the Rule") became effective on September 29, 1980.[1] In accordance with a stipulated order of the United States Court of Appeals for the Tenth Circuit,[2] the Commission temporarily stayed the representative thickness testing requirement of § 460.6.[3] Under the terms of the order, the Commission was required to postpone the effectiveness of the requirement until such time as the National Bureau of Standards (hereinafter cited as "NBS") made publicly available thick calibration materials for use in calibrating R-value test equipment or unless the Commission conducted further rulemaking proceedings concerning the representative thickness testing requirement.[4] On December 9, 1980, NBS announced that it was prepared to make available on request those thick calibration materials and solicited orders for the specimens for a thirty (30) day period.[5] By mid-July 1981, all samples ordered and necessary technical data concerning each sample were shipped or delivered to each ordering laboratory or company.[6]

In order to facilitate the Commission's consideration in lifting the stay, the Commission's staff consulted with representatives of the four petitioners in the appeal concerning the effect on the representative thickness testing requirement in the Rule of the availability of the thick calibration samples from NBS.[7] All four petitioners agreed that, assuming that NBS' assessment of the calibration samples was correct, the samples would be sufficient to calibrate test equipment for representative thickness testing under the Rule.

Based on its review of the above facts, on February 10, 1982, the Commission proposed to lift the temporary stay of the effective date of § 460.6 of the Rule and invited comments on its proposed action.[8] The Commission specifically requested comments on its intention to lift the temporary stay of § 460.6 of the Rule, and on its belief that it should allow the distribution of previously labeled packages in inventory accumulated under normal production levels which manufacturers have on hand as of the date the stay is lifted.

II. Analysis of the Comments

Eleven interested parties submitted comments. One commenter addressed issues that are not directly relevant or are peripheral to the lifting of the temporary stay of the representative thickness testing provision of § 460.6 of the Rule.[9] This section discusses only those ten comments that directly addressed either the Commission's proposal to lift the temporary stay of § 460.6, or the issue of the treatment of insulation already labeled and in inventory at the time the representative thickness testing requirement becomes effective.

A. Lifting the Stay of the Representative Thickness Testing Requirement

All of the commenters who directly addressed the issue of whether the stay of the representative thickness testing requirement of § 460.6 should be lifted supported the Commission's lifting the stay.[10] The commenters: (1) Argued that

[1] Notice of effective date of rule, 45 FR 54702 (August 15, 1980).

[2] *Johns-Manville Corporation v. FTC*, No. 79-1955 (10th Cir., filed August 31, 1979), order of January 4, 1980, filed as Document No. S-9 in FTC File No. 215-59.

[3] 45 *FR, supra* note 1, at 54702-03.

[4] 45 *FR, supra* note 1, at 54702.

[5] Availability of Calibration Transfer Specimens for Insulation, 45 FR 81089 (Dec. 9, 1980).

[6] Twelve (12) companies and laboratories ordered thick calibration samples from NBS. A list of those companies, attached to a letter dated March 11, 1981, to Kent Howerton, FTC, from Albert E. Paladino, Deputy Director, Office of Energy Programs, National Engineering Laboratory, NBS, has been placed on the public record concerning the Rule as Document No. (W)(1)-2 in FTC File No. 215-59.

[7] Invitation for public comment on intention to lift stay of effective date of Final Rule, 47 FR 6026, at 6027 (Feb. 10, 1982).

[8] 47 *FR, supra* note 7, at 6028.

[9] Styro Products, Inc., Document No. (W)(1)-16 (the entire R-value approach is fictitious, inappropriate, misleading and discriminatory).

[10] David W. Yarbrough, Document No. (W)(1)-8; Thermex Inc. of Jacksonville, Document No. (W)(1)-9; Robinson Insulation Co., Document No. (W)(1)-10; Owens-Corning Fiberglas Corporation, Document No. (W)(1)-11; Manville Building Materials Corporation, Document No. (W)(1)-12; CertainTeed Corporation, Document No. (W)(1)-13; Dow Chemical U.S.A., Document No. (W)(1)14; and Tascon, Document No. (W)(1)-15.

the insulation industry has been aware of the thickness effect and has now had the required calibration equipment for a sufficient period of time to implement the testing requirements of § 460.6;[11] (2) argued that purchasers of home insulation should receive correct R-value information so that they can accurately evaluate their insulation requirements;[12] or (3) generally supported the Commission's proposal to lift the temporary stay.[13]

None of the commenters that directly addressed the Commission's proposal regarding the representative thickness testing requirement of § 460.6 argued that the Commission should not lift the temporary stay.

B. Treatment of Inventory

Seven commenters directly addressed the issue of the treatment of insulation products already labeled and in inventory at the time the representative thickness testing requirement becomes effective.[14]

Four manufacturers of insulation products, Owens-Corning Fiberglas Corporation,[15] Manville Building Materials Corporation,[16] CertainTeed Corporation,[17] and Dow Chemical U.S.A.,[18] commented that complying with the representative thickness testing requirement of § 460.6 will not necessitate relabeling of their home insulation products because the existing R-value labels of their products in inventory satisfy the requirements of the Rule.[19] Therefore, they argued that relabeling would be burdensome and unnecessary.

Only one commenter, Manville Building Materials Corporation, commented on its expected inventory levels. Manville estimated that it would have a 14 to 28 day supply of inventory on the effective date of the representative thickness testing requirement.[20]

A consumer suggested that the Commission should require a bright red 8½" x 11" label on two sides of each package of home insulation explaining that the R-value listed may not be correct.[21]

Thermex Inc. of Jacksonville [22] suggested that the Commission require: (a) That mineral wool manufacturers immediately notify their product users of the exact R-values of the materials now in production; (b) that manufacturers of all types of insulation immediately change the information on its fact sheets to reflect the corrected R-values; and (c) that all labeling and manufacturing procedures be revamped to conform to the representative thickness testing requirement by July 1, 1982. Thermex stated that it has completed its representative thickness tests and is ready to conform to FTC requirements at any time.

Northern Michigan Cellulose Insulation ("NMCI") [23] commented that glue-on labels should be distributed to correctly label any in-stock merchandise before it is sold to ultimate consumers. In addition, NMCI argued that fact sheets based on accurate R-value data should be distributed to retail sellers. Finally, NMCI requested that the Commission require corrective advertising to inform the public that the insulation may have an exaggerated R-value label.

C. Commission's Conclusions

Having given serious consideration to each of the comments received, the Commission has decided to lift the temporary stay of the representative thickness testing requirement (§ 460.6 of the rule) on September 23, 1982, and to allow the distribution of inventories accumulated under normal production levels which manufacturers have on hand on the date the stay is lifted.

All of the commenters who directly addressed the issue of representative thickness testing supported the Commission's proposal to lift the temporary stay of § 460.6. In addition, by lifting the stay the Commission can dispose of the issues concerning the representative thickness testing requirement of the Rule which were raised in the Tenth Circuit's remand order.

In its announcement of its tentative decision to lift the stay of the representative thickness testing requirement, the Commission stated that it recognizes that the cost to industry (and, ultimately, to consumers) of relabeling all packages in inventory as of the date the stay is lifted could be very high, particularly if inventory levels exceed the norm because of low new housing starts and a depressed insulation market.[24] The Commission also expressed its recognition, on the other hand, that allowing distribution of such inventory could in effect allow distribution and sale to consumers of insulation packages labeled with known exaggerated R-values.[25] The Commission concluded, on balance, that it should allow the distribution of inventories accumulated under normal production levels which manufacturers have on hand as of the date the stay is lifted.[26] The Commission solicited comments on this conclusion. The comments submitted do not convince the Commission that it should alter its original conclusion concerning treatment of existing inventories.

At the time the Commission made the Rule effective and stayed the representative thickness testing requirement, NBS, based on a review of available literature, had concluded that the thickness effect, *i.e.*, the overstatement of R-value resulting from thin-sample testing, might be as high as 10 percent for some products.[27] Based on its limited testing in connection with the preparation of thick calibration samples, NBS staff now has informed FTC staff

[11] David W Yarbrough, Document No. (W)(1)–8; Thermex Inc. of Jacksonville, Document No. (W)(1)–9; Owens-Corning Fiberglas Corporation, Document No. (W)(1)–11; Manville Building Materials Corporation, Document No. (W)(1)–12; CertainTeed Corporation, Document No. (W)(1)–13; and Dow Chemical U.S.A., Document No. (W)(1)–14.

[12] Robinson Insulation Co., Document No. (W)(1)–10.

[13] Tascon, Document No. (W)(1)–15.

[14] Virginia Point, Document No. (W)(1)–7; Thermex Inc. of Jacksonville, Document No. (W)(1)–9; Owens-Corning Fiberglas Corporation, Document No. (W)(1)–11; Manville Building Materials Corporation, Document No. (W)(1)–12; CertainTeed Corporation, Document No. (W)(1)–13; Dow Chemical U.S.A., Document No. (W)(1)–14; and Northern Michigan Cellulose Insulation, Document No. (W)(1)–17.

[15] Document No. (W)(1)–11.

[16] Document No. (W)(1)–12.

[17] Document No. (W)(1)–13.

[18] Document No. (W)(1)–14.

[19] The Commission believes that these commenters mean that the R-values listed on products already labeled, based on thin-sample testing, will be within 10% of the R-values determined by representative thickness testing. Section 460.8 of the rule prohibits sellers from distributing home insulation that is more than 10% below its labeled R-value. The Commission included this quality control provision in the rule as a bottom line in recognition of the fact that imprecisions in the manufacturing process affect the R-value of an insulation product. Statement of Basis and Purpose, 44 FR 50218, 50229 (Aug. 27, 1979). However, the Commission specifically explained that this 10% tolerance does not give manufacturers a license to raise their R-values above the levels determined through required R-value testing. *Id.* Under the circumstances in the current situation, § 460.8 does not authorize manufacturers to distribute knowingly inventory which has a thickness effect but which has been labeled in accordance with results determined by thin-sample testing, even if the R-value determined by representative thickness testing is within 10% of the labeled R-value. If such an interpretation were adopted, it would make enforcement of the testing requirements of the rule more difficult. It also would result in a smaller tolerance for imprecision in the manufacturing process because much of the tolerance could be consumed by the thickness effect.

[20] Document No. (W)(1)–12.

[21] Virginia Point, Document No. (W)(1)–7.

[22] Document No. (W)(1)–9.

[23] Document No. (W)(1)–17.

[24] *47 FR, supra*, note 7, at 6028.

[25] *Id.*

[26] *Id.*

[27] *45 FR, supra*, note 1, at 54704.

that it believes that the maximum thickness effect may be less than half of that amount.

In view of this latest finding by NBS staff, the Commission believes that it will have minimum effect on consumers if the Commission allows manufacturers to distribute previously labeled packages which already are in inventory. In fact, the level of the maximum expected thickness effect is well within the 10 percent tolerance which the Commission adopted in § 460.8 of the rule as a reasonable variance from the labeled R-value. [28] Under these circumstances, the Commission believes that potential costs to relabel current inventory outweigh the potential consumer benefit to be derived from relabeling the limited amount of home insulation products already labeled and in inventory.

Based on the analysis explained above, the Commission will lift its temporary stay of the representative thickness testing requirement in § 460.6 of the rule on September 23, 1982, and will allow the distribution of previously labeled packages of home insulation accumulated under normal production levels which manufacturers have in inventory on the date the stay is lifted.

List of Subjects in 16 CFR Part 460

Advertising, Labeling, Trade practices.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-23071 Filed 8-23-82; 8:45 am]

BILLING CODE 6750-01-M

[28] *See* note 20, *supra.*

RAILROAD RETIREMENT BOARD

20 CFR Part 260

Requests for Reconsideration and Appeals Within the Board From Decisions Issued by the Bureau of Retirement Claims and the Bureau of Data Processing and Accounts

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board revises Part 260 of its regulations which establishes the procedures for appeals within the agency from decisions issued by the Bureau of Retirement Claims and the Bureau of Data Processing and Accounts. The regulation provides for a three-stage review and appeal process within the agency and shortens the amount of time currently allowed within which requests for reconsideration and appeal may be filed. In addition, the regulation sets forth time periods within which reconsideration requests and appeals should be handled by the agency. These changes are intended to expedite the review and appeals process.

EFFECTIVE DATE: August 24, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. James E. Lanter, Director of Hearings and Appeals, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4791 (FTS 387-4791).

SUPPLEMENTARY INFORMATION: The Board's regulations as previously in effect did not provide any time limits or guidelines concerning the time within which reviews and appeals must be handled. In addition, the regulations provided that an appeal to the Bureau of Hearings and Appeals from an initial decision could be filed up to one year after the initial decision. The lack of time guidelines for handling cases and the long appeal period had occasionally resulted in an unacceptably lengthy period for handling administrative reviews and appeals. This caused problems for the Board in handling appeals especially in disability cases since in such cases a claimant's condition could very well have deteriorated during the duration of the appeal rendering him disabled where he would not have been disabled at the time of the initial decision on his claim.

The revision to Part 260 is primarily directed toward resolving the delays in handling appeals. To this end, the revision provides that a request for reconsideration of an initial decision other than an erroneous payment decision must be filed within 60 days from the date the decision was mailed to the claimant. An appeal from an adverse decision on reconsideration may be taken to the Bureau of Hearings and Appeals by filing an appeal form within 60 days from the date on which the decision was mailed. A further appeal to the Board is provided if the appropriate appeal form is filed within 60 days after the decision of the Bureau of Hearings and Appeals is mailed. In addition, the revision imposes guidelines on the various decision-making bodies concerning the time periods within which cases should be handled. The procedures for erroneous payment decisions are not changed by the revision.

A proposed rule was published on pages 20797-20802 of the **Federal Register** of May 14, 1982, and invited comments for 60 days ending July 13, 1982. No comments were received as a result of the publication.

Several typographical errors appeared in the proposed rule document, but since they did not affect the intended language of the document, publication of a correction document was considered unnecessary. To avoid the possibility of those errors appearing in the final document, however, they are listed as changes in this final rule document. In addition, one grammatical error has been corrected and one clarifying change is identified. This change serves merely to clarify the intended language. The changes to the proposed rule document as originally published are as follows:

1. On page 20797, column 1, Summary, second sentence, "three-stage review and appeals process" is corrected to read "three-stage review and appeal process".

2. On page 20797, column 1, Supplementary Information, third sentence, "an unacceptable lengthy period" is corrected to read "an unacceptably lengthy period".

3. On page 20797, column 2, "List of Subject in 20 CFR Part 260" is corrected to read "List of Subjects in 20 CFR Part 260".

4. On page 20797, column 3, section headings, § 260.3, "Data Processing and Account." is corrected to read "Data Processing and Accounts."

5. On page 20797, column 3, § 260.1(a)(10), "serve the best interest" is corrected to read "serve the best interests".

6. On page 20798, column 2, § 260.1(d)(4)(iv), "annuity will cease at the end of the 30-day period" is corrected to read "annuity will cease at the end of that 30-day period".

7. On page 20798, column 2, § 260.1(d)(5), a grammatical correction is made, "each of the individuals who have filed" is corrected to read "each of the individuals who has filed".

8. On page 20799, column 2, § 260.4(a), line 3, "eroneous payment" is corrected to read "erroneous payment".

9. On page 20799, column 3, § 260.4(c), last line, "prescribed" is corrected to read "described".

10. On page 20800, column 1, § 260.4(h), first sentence, "Director of Retirements Claims" is corrected to read "Director of Retirement Claims".

11. On page 20800, column 1, § 260.4(h), line 7, a change is made to clarify the intended language, "of recovery and shall notify the" is changed to read "of recovery and notify the".

12. On page 20800, column 2, § 260.4(j), next to last line, "payment determinations" is corrected to read "payment determination".

13. On page 20801, column 3, § 260.8(b), next to last line, "the handling of the case of" is corrected to read "the handling of the case on".

14. On page 20802, column 2, § 260.9(f), last line, "decision with 90 days after the later of:" is corrected to read "decision within 90 days after the later of:".

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no Regulatory Impact Analysis is required. Information collection requirements contained in this regulation, Part 260, have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (P.L. 96–511), and have been assigned OMB control number 3220–0007.

List of Subjects in 20 CFR Part 260

Administrative practice and procedure, Claims, Railroad retirement.

Title 20 CER Chapter II, is revised as follows:

1. The table of contents for Title 20, Chapter II, Railroad Retirement Board, Subchapter B, is revised by changing the title of Part 260 from "Appeals within the Board from decisions issued by the Bureau of Retirement Claims and the Bureau of Data Processing and Accounts" to "Requests for Reconsideration and Appeals Within the Board From Decisions Issued by the Bureau of Retirement Claims and the Bureau of Data Processing and Accounts".

2. Part 260 is revised as follows:

PART 260—REQUESTS FOR RECONSIDERATION AND APPEALS WITHIN THE BOARD FROM DECISIONS ISSUED BY THE BUREAU OF RETIREMENT CLAIMS AND THE BUREAU OF DATA PROCESSING AND ACCOUNTS

Sec.
260.1 Initial Decisions by the Bureau of Retirement Claims.
260.2 Initial Decisions by the Bureau of Data Processing and Accounts.
260.3 Request for reconsideration of initial decision of the Bureau of Retirement Claims or Bureau of Data Processing and Accounts.
260.4 Request for waiver of recovery of an erroneous payment and/or for reconsideration of an initial erroneous payment decision of the Bureau of Retirement Claims.
260.5 Appeal from a reconsideration decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts.
260.6 Time limit for issuing a hearing decision.
260.7 Time limits for issuing a decision when a hearing is not held.
260.8 Pre-hearing case review.
260.9 Final appeal from a decision of the referee.
260.10 Determination of date of filing of appeal.

Authority: Sec. 7(b)(5) Pub. L. 93–445, 88 Stat. 1339 (45 U.S.C. 231f(b)(5)); Sec. 8 Pub. L. 93–445, 88 Stat. 1341 (45 U.S.C. 231g); Sec. 5(f) Pub. L. 75–722, 52 Stat. 1100 (45 U.S.C. 355(f)).

§ 260.1 Initial Decisions by the Bureau of Retirement Claims.

(a) *General.* Claims shall be adjudicated and initial decisions made by the Bureau of Retirement Claims concerning:

(1) Applications for benefits under the Railroad Retirement Act;

(2) The withdrawal of an application;

(3) A change in an annuity beginning date;

(4) The termination of an annuity;

(5) The modification of the amount of an annuity or lump-sum benefit;

(6) The reinstatement of an annuity which had been terminated or modified;

(7) The existence of an erroneous payment;

(8) The recovery of the amount of an erroneous payment;

(9) The eligibility of an individual for a supplemental annuity or the amount of such supplemental annuity;

(10) Whether representative payment shall serve the best interests of an annuitant as a result of that individual's incapacity to manage his annuity payments; and

(11) Who shall be designated or continued as representative payee on behalf of an annuitant.

(b) *Adjudication of claim and the issuance of initial decision.* Adjudication of a claim and the issuance of an initial decision shall be in accordance with instructions issued by the Director of Retirement Claims and shall be made upon the basis of evidence submitted by the claimant and evidence otherwise available.

(c) *Recovery of erroneous payment.* A decision to recover the amount of an erroneous payment under § 260.1(a)(8) by suspension or reduction of a monthly benefit payable by the Board shall not be made prior to a date 30 calendar days after the date on which notice of the erroneous payment decision is sent to the beneficiary or payee of the benefit as provided in § 260.1(d)(6).

(d) *Notice of initial decision.* (1) In all cases except those described in §§ 260.1(d)(2)–(4) and 260.1(d)(6), written notice of an initial decision shall be mailed by the Bureau of Retirement Claims to the claimant, annuitant or payee of an annuity at the individual's last known address within 30 calendar days after such decision is made. Such notice shall inform the claimant, annuitant or payee of an annuity of the reason(s) for the decision and such individual's right to reconsideration of such initial decision as provided in § 260.3.

(2) No notice of an initial decision by the Bureau of Retirement Claims shall be required when the death of an annuitant causes the entitlement to an annuity to cease.

(3) When an initial decision is made that an annuitant's entitlement to a disability annuity has ended because the annuitant has recovered from such annuitant's disability, written notice of that decision shall be mailed to the annuitant or payee of an annuity at such annuitant's or payee's last known address. Such notice shall inform the annuitant or payee of an annuity:

(i) Of the date on which the recovery from disability is found to have occurred;

(ii) Of the reason(s) supporting such a finding of recovery;

(iii) That entitlement to the annuity ends on the last day of the second month after the month in which recovery from disability is found to have occurred;

(iv) That payment of the disability annuity will cease effective on the last day of the second month following the month in which recovery from disability is found to have occurred or on the 30th calendar day after the day the notice provided by this paragraph is sent by the Board, whichever date is later;

(v) That any annuity payments received after entitlement has ended will have to be repaid unless waiver of recovery is appropriate;

(vi) That prior to the termination date of the annuity the annuitant or payee of an annuity may submit to the Board any information in writing which the annuitant or payee desires to be considered by the Board in its review;

(vii) That if no information in writing is received by the Board before the termination date the annuity will be terminated as scheduled on that date; and

(viii) That the annuitant or payee has the right to reconsideration of such decision as provided in § 260.3.

(4) When an initial decision would result in the termination of an annuity for which there are competing claims or as a result of the receipt by the Board of information from a source other than the annuitant or payee of an annuity, written notice of the proposed decision shall be mailed to the annuitant or payee of an annuity at such annuitant's or payee's last known address. Such notice shall inform the annuitant or payee of an annuity:

(i) Of the reason(s) for the annuity termination;

(ii) That the annuitant or payee has 30 calendar days from the date of the notice to submit to the Board any information in writing which such annuitant or payee desires to be considered by the Board in its review;

(iii) That payment of the annuity will either cease or a decision to continue payment of such annuity shall be made after the Board has considered any information in writing which may be submitted to the Board within 30 calendar days from the date of the notice;

(iv) That if no information in writing is received within 30 calendar days from the date of the notice, payment of the annuity will cease at the end of that 30-day period; and

(v) That the annuitant or payee has the right to reconsideration of such decision as provided in § 260.3.

(5) Whenever the Board receives any significant information in writing from an annuitant or payee of an annuity as a result of mailing the notice described in § 260.1(d)(4), the Board shall forward a copy of such information to each of the individuals who has filed a competing claim for such annuity informing them that:

(i) The annuity will either be terminated at the specified time or a decision to continue payment of the annuity will be made by the Board; and

(ii) They may respond to such information and their response will be considered by the Board provided that it is received by the Board within a reasonable time. When the Board decision in such case is to continue payment of the annuity, the Board shall send notice of such initial decision to each of the competing claimants in accordance with § 260.1(d)(1).

(6) When an initial decision that an erroneous payment has been made to a beneficiary is made under § 260.1(a)(7), written notice of that decision shall be mailed to the beneficiary or payee of the benefit at such beneficiary's or payee's last known address within 30 calendar days after such decision is made. Such notice shall inform the beneficiary or payee:

(i) Of the reason(s) for the decision;

(ii) Of the methods by which recovery may be made;

(iii) Of the possibility of waiver of recovery of the erroneous payment;

(iv) Of the conditions which must be met before waiver of recovery could be granted;

(v) That the beneficiary may request waiver of recovery of the erroneous payment and/or reconsideration of the erroneous payment decision as provided in § 260.4; and

(vi) Of the possibility of an oral hearing with respect to the issues of waiver of recovery and reconsideration of the erroneous payment decision.

§ 260.2 Initial Decisions by the Bureau of Data Processing and Accounts.

Within 30 days after receipt of a timely request by an employee for an amendment with respect to the amount of compensation credited to the employee by the Board under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, the Director of Data Processing and Accounts shall appoint a qualified Board employee to make a determination with respect to such matter. The Board employee appointed by the director shall promptly render a decision. Written notice of such decision shall be communicated by the Director of Data Processing and Accounts to the employee within 30 days after such decision is made. Such notice shall include notification of the employee's right to reconsideration of the initial decision as provided in § 260.3. For purposes of this section, a timely request to amend an employee's record of compensation maintained under the Railroad Retirement Act shall be filed within four years after the date on which the return of compensation was required to be made to the Board by the employee's employer. For purposes of this section, a timely request to amend an employee's record of compensation maintained under the Railroad Unemployment Insurance Act shall be filed within 18 months after the date on which the last return of compensation was required to be made covering any portion of the calendar year which includes the period during which the challenged payment was made.

§ 260.3 Request for reconsideration of initial decision of the Bureau of Retirement Claims or Bureau of Data Processing and Accounts.

(a) *Right to file requests for reconsideration.* Every claimant shall have the right to file a request for reconsideration of an initial decision of the Bureau of Retirement Claims described in § 260.1(a) or an initial decision of the Bureau of Data Processing and Accounts described in § 260.2. *Provided, however,* that:

(1) An individual under age 18 shall not have the right to reconsideration of a finding of incapacity to manage his or her annuity payments, but shall have the right to contest the finding that he or she is, in fact, under age 18;

(2) An individual who has been adjudged legally incompetent shall not have the right to reconsideration of a finding of incapacity to manage his or her annuity payments, but shall have the right to contest the fact of his or her having been adjudged legally incompetent; and

(3) An individual shall not have the right to reconsideration of a denial of his or her application to serve as representative payee on behalf of an annuitant. Such request for reconsideration shall be filed and disposed of in the manner prescribed in this section, except that a request for reconsideration of an initial erroneous payment decision under § 260.1(a)(7) shall be filed and disposed of in the manner prescribed in § 260.4.

(b) *Written request for reconsideration.* A written request for reconsideration must be filed with the appropriate bureau within 60 days from the date upon which notice of the initial decision is mailed to the claimant. The claimant shall state the basis for the reconsideration request and provide any additional evidence which is available. No hearing will be provided by the bureau conducting the reconsideration.

(c) *Right to further review of initial decision.* The right to further review of an initial decision of the Bureau of Retirement Claims or Bureau of Data Processing and Accounts shall be forfeited unless a written request for reconsideration is filed within the time period prescribed in this section or good cause is shown by the claimant for failing to file a timely request for reconsideration.

(d) *Timely request for reconsideration.* In determining whether the claimant has good cause for failure to file a timely request for reconsideration the bureau director shall consider the circumstances which kept the claimant from filing the request on time and if any action by the Board misled the claimant. Examples of circumstances where good cause may exist include, but are not limited to:

(1) A serious illness which prevented the claimant from contacting the Board in person, in writing, or through a friend, relative or other person;

(2) A death or serious illness in the claimant's immediate family which prevented him or her from filing;

(3) The destruction of important and relevant records;

(4) A failure to be notified of a decision; or

(5) An unusual or unavoidable circumstance existed which demonstrates that the claimant would not have known of the need to file timely or which prevented the claimant from filing in a timely manner.

(e) *Impartial review.* The reconsideration of the initial decision shall be conducted by a person who shall not have any interest in the parties or in the outcome of the proceedings, shall not have directly participated in the initial decision which has been requested to be reconsidered and shall not have any other interest in the matter which might prevent a fair and impartial decision.

(f) *Timely review.* The director of the bureau to whom a request for reconsideration is directed shall make every effort to issue a decision upon reconsideration and send a copy of the decision to the claimant within 60 days of the date that the request for reconsideration is filed.

(g) *Right to appeal adverse decision.* If the reconsideration decision is adverse to the claimant, annuitant or payee, he or she shall be notifed of his or her right to appeal the decision to the Bureau of Hearings and Appeals, as provided in § 260.5.

§ 260.4 Request for waiver of recovery of an erroneous payment and/or for reconsideration of an initial erroneous payment decision of the Bureau of Retirement Claims.

(a) *General.* A beneficiary who has been determined to have received an erroneous payment under § 260.1(a)(7) shall have the right, upon the filing of a timely request in accordance with the requirements of this section, to request waiver of recovery of the erroneous payment and/or reconsideration of the erroneous payment decision. The beneficiary shall have the right to an informal oral hearing on the issue of waiver of recovery and/or reconsideration of the erroneous payment decision, before an employee of the Board designated to conduct such a hearing, prior to commencement of recovery by suspension or reduction of a monthly benefit.

(b) *Request for waiver of recovery and/or reconsideration of an erroneous payment decision and for an oral hearing.* A request for waiver of recovery and/or reconsideration of an erroneous payment decision and for an oral hearing under this section shall be in writing and addressed to the district office of the Board set forth in the initial decision letter or to the Director of Retirement Claims. The request must be received by either the appropriate district office or the Director of Retirement Claims within 30 calendar days from the date on which notice of the erroneous payment decision was sent to the beneficiary. The beneficiary shall state in the request whether he or she elects to have an oral hearing. If the beneficiary does not elect to have an oral hearing with respect to his or her request for waiver of recovery or for reconsideration of the erroneous payment decision, he or she may, along with the request, submit any evidence and argument which he or she would like to present in support of his or her case.

(c) *Right to further review of an initial erroneous payment decision.* The right to further review of an initial erroneous payment decision of the Bureau of Retirement Claims shall be forfeited unless a written request for reconsideration is filed within the time period prescribed in this section or good cause is shown by the beneficiary for failing to file a timely request for reconsideration. Good cause for failure to file a timely request shall be determined by the Director of Retirement Claims in the manner described in § 260.3(d).

(d) *Delay in the commencement of recovery of erroneous payment.* Where a timely request for waiver or reconsideration is filed as provided in this section, the Director of Retirement Claims shall not commence recovery of the erroneous payment by suspension or reduction of a monthly benefit payable by the Board until a decision with respect to such request for waiver or reconsideration has been made and notice thereof mailed to the claimant.

(e) *Impartial review.* Upon receipt of a timely request for an oral hearing under this section, the Director of Retirement Claims or his or her delegatee shall promptly arrange for the selection of a Board employee to conduct a hearing in the case. The employee designated to conduct a hearing under this section shall not have had any prior involvement with the initial erroneous payment decision and shall conduct the hearing in a fair and impartial manner. The employee designated to conduct a hearing under this section shall promptly schedule a time and place for the hearing and promptly notify the beneficiary of such.

(f) *Oral hearing.* The beneficiary shall upon request have the opportunity to review, prior to the hearing, his or her claim folder and all documents pertinent to the issues raised. A hearing conducted under this section shall be informal. At the hearing the beneficiary shall be afforded the following rights:

(1) To present his or her case orally and to submit evidence, whether through witnesses or documents;

(2) To cross-examine adverse witnesses who appear at the hearing; and

(3) To be represented by counsel or other person.

(g) *Preparation of recommended decision.* Upon completion of the hearing, the employee who conducts the hearing shall prepare a summary of the case including a statement of the facts, the employee's findings of fact and law, and a recommended decision. The summary of the case shall then be submitted to the Director of Retirement Claims.

(h) *Timely review.* The Director of Retirement Claims shall make every effort to render a decision with respect to the beneficiary's request for reconsideration of the initial erroneous payment determination and/or waiver of recovery and notify the beneficiary of that decision within 60 days of the date that the request for reconsideration is filed or the date that the summary of the case is received from the employee who conducts the hearing, whichever is later.

(i) *Right to appeal adverse decision.* If the Director of Retirement Claims renders a decision adverse to the beneficiary, he or she shall further notify the beneficiary of the basis for such determination and that the beneficiary may appeal the decision to the Bureau of Hearings and Appeals, as provided in § 260.5.

(j) *Repayment is not a bar to requesting waiver and/or reconsideration.* The fact that a beneficiary may have notified the Board with respect to the method by which he or she could choose to have the recovery made, or the fact that such beneficiary may have actually tendered to the Board a portion or all of the amount of the erroneous payment, shall in no way operate to prejudice his or her right to request reconsideration of the initial erroneous payment determination or to request waiver of recovery.

§ 260.5 Appeal from a reconsideration decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts.

(a) *General.* Every claimant shall have a right to appeal to the Bureau of Hearings and Appeals from any reconsideration decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts by which he or she claims to be aggrieved.

(b) *Appeal from a reconsideration decision.* Appeal from a reconsideration decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts shall be made by filing the form prescribed by the Board for such purpose. Such appeal must be filed with the Bureau of Hearings and Appeals within 60 days from the date upon which notice of the

reconsideration decision is mailed to the claimant.

(c) *Right to review of a reconsideration decision.* The right to review of a reconsideration decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts shall be forfeited unless an appeal is filed in the manner and within the time prescribed in this section. However, when a claimant fails to file an appeal before the Bureau of Hearings and Appeals within the time prescribed in this section, the referee may waive this requirement of timeliness. Such waiver shall only occur in cases where the claimant has made a showing of good cause for failure to file a timely appeal. Good cause for failure to file a timely appeal will be determined by a referee in the manner described in § 260.3(d).

(d) *Impartial review.* Within 30 days after the claimant has filed a proper appeal, the Director of Hearings and Appeals shall appoint a referee to act on the appeal. The Director of Hearings and Appeals may, if the Bureau of Hearings and Appeals' caseload dictates, appoint a qualified Board employee, other than a referee assigned to the Bureau of Hearings and Appeals, to act as referee with respect to a case. Such referee shall not have any interest in the parties or in the outcome of the proceedings, shall not have directly participated in the initial decision or the reconsideration decision from which the appeal is made, and shall not have any other interest in the matter which might prevent a fair and impartial decision.

(e) *Power of referee to conduct hearings.* In the development of appeals, the referee shall have the power to hold hearings, require and compel the attendance of witnesses by subpoena or otherwise in accordance with the procedures set forth in Part 258 of this chapter, administer oaths, rule on motions, take testimony, and make all necessary investigations.

(f) *Evidence presented in support of appeal.* The appellant, or his or her representative, shall be afforded full opportunity to present evidence upon any controversial question of fact, orally or in writing or by means of exhibits; to examine and cross-examine witnesses; and to present argument in support of the appeal. If, in the judgment of the referee, evidence not offered by the appellant is available and is relevant and material to the merits of the claim, the referee may obtain such evidence upon his or her own initiative. If new evidence is obtained subsequent to an oral hearing, other than evidence submitted by the appellant or his or her representative, the referee shall notify the appellant or his or her representative that such evidence was obtained and shall describe the nature of the evidence in question. In such event, the appellant shall have 30 days to submit rebuttal evidence or argument or to request a supplemental hearing to confront and challenge such new evidence. The appellant may move for an extension of time to submit rebuttal evidence or argument and the referee may grant the motion upon a showing of good cause. The referee shall protect the record against scandal, impertinence, and irrelevancies, but the technical rules of evidence shall not apply.

(g) *Submission of written argument in lieu of oral hearing.* Where the referee finds that no factual issues are presented by an appeal, and the only issues raised by the appellant are issues concerning the application or interpretation of law, the appellant or his or her representative shall be afforded full opportunity to submit written argument in support of the claim but no oral hearing shall be held.

(h) *Conduct of oral hearing.* (1) In any case in which an oral hearing is to be held pursuant to the provisions of this section, the referee shall schedule a time and place for the conduct of the hearing. The referee shall promptly notify the party or parties to the proceeding by mail as to said time and place for the hearing. The notice shall include a statement of the specific issues involved in the case. The referee shall make every effort to hold the hearing within 150 days after the date the appeal is filed.

(2) A party to the proceeding may object to the time and place of the hearing or as to the stated issues to be resolved by filing a written notice of objection with the referee. The notice of objection shall clearly set forth the matter objected to and the reasons for such objection, and, if the matter objected to is the time and place of the hearing, said notice shall further state that party's choice as to the time and place for the hearing. Said notice of objection shall be filed at the earliest practicable time, but in no event shall said notice be filed later than five business days prior to the scheduled date of the hearing.

(3) The referee shall rule on any objection timely filed by a party under this subsection and shall notify the party of his or her ruling thereon. The referee may for good cause shown, or upon his or her own motion, reschedule the time and/or place of the hearing. The referee also may limit or expand the issues to be resolved at the hearing.

(4) If neither a party nor his or her representative appears at the time and place scheduled for the hearing, that party shall be deemed to have waived his or her right to an oral hearing unless said party either filed with the referee a notice of objection showing good cause why the hearing should have been rescheduled, which notice was timely filed but not ruled upon, or, within 10 days following the date on which the hearing was scheduled, said party files with the referee a motion to reschedule the hearing showing good cause why neither the party nor his or her representative appeared at the hearing and further showing good cause as to why said party failed to file at the prescribed time any notice of objection to the time and place of the hearing.

(5) If the referee finds either that a notice of objection was timely filed showing good cause to reschedule the hearing, or that the party has within 10 days following the date of the hearing filed a motion showing good cause for failure to appear and to file a notice of objection, the referee shall reschedule the hearing. If the referee finds that the hearing shall not be rescheduled, he or she shall so notify the party in writing.

(i) *Preservation of evidence presented.* All evidence presented by the appellant and all evidence developed by the referee shall be preserved. Such evidence, together with a record of the arguments, oral or written and the file previously created in the adjudication of the claim, shall constitute the record on appeal. After an appeal is filed, the compilation of the record shall be initiated by the inclusion therein of the file created in the adjudication of the claim; the compilation of the record shall be kept up-to-date by the prompt addition thereto of all parts of the record subsequently developed. The entire record shall be available for examination by the appellant or his or her representative at any time during the pendency of the appeal.

(j) *Extension of time to submit evidence.* Except where the referee has determined that additional evidence not offered by the appellant at or prior to the hearing is available, the record shall be closed as of the conclusion of the hearing. The appellant may move for an extension of time to submit evidence and the referee may grant the motion upon a showing of good cause for failure to have submitted the evidence earlier. The extension shall be for a period not exceeding 30 days.

§ 260.6 Time limit for issuing a hearing decision.

(a) *General.* The referee shall make every effort to issue a decision within 45 days after the hearing is held.

(b) *Submission of additional evidence.* If the referee requests additional evidence, he or she shall do so within 30 days after the hearing is held and he or she shall make every effort to issue the hearing decision within 45 days after the additional evidence is received and the period for comment has ended. If the claimant wishes to submit additional evidence or written statements of fact or law, the referee shall make every effort to issue the hearing decision within 45 days after the written statements are received or the additional evidence is received and the period for comment has ended.

(c) *Supplemental hearing.* If on the basis of additional evidence the referee decides a supplemental hearing is necessary, the supplemental hearing will be held within 30 days after the receipt of the additional evidence and the referee shall make every effort to issue a decision within 30 days after the supplemental hearing is held.

(d) *Reassignment of case to another referee.* If, after a hearing has been held, it is necessary to reassign a case to another referee due to the unavailability of the original referee (e.g., resignation, retirement, illness), the case will be promptly reassigned. The new referee shall make every effort to issue a hearing decision within 30 days after the reassignment.

§ 260.7 Time limits for issuing a decision when a hearing is not held.

If a claimant waives his or her right to appear at a hearing and the referee does not schedule the case for hearing, or the evidence in the record supports a favorable decision without a hearing, or a hearing is not required pursuant to § 260.5(g), the referee shall make every effort to issue a decision within 90 days from the date the appeal is filed: *Provided, however,* that if the referee requests additional evidence it shall be requested within 45 days of the filing of the appeal and the referee shall make every effort to issue a decision within 30 days after the additional evidence is received and the appellant comments on the evidence, or if no comment is received after the close of the comment period.

§ 260.8 Pre-hearing case review.

(a) *General.* The referee assigned to a case may, prior to an oral hearing, upon his or her own motion, refer the case back to the bureau of the Board which issued the initial decision for the purpose of reconsideration of that decision, where the referee finds that:

(1) Additional evidence pertinent to the resolution of the issues on appeal was submitted by the appellant at the time the appeal was filed, or subsequent thereto; or

(2) Additional evidence pertinent to the resolution of the issues on appeal is available and should be procured; or

(3) There is some other indication in the record that the initial decision may be revised in a manner favorable to the appellant.

(b) *Referral of case for further review by initial adjudicating unit.* Where the referee finds that referral of a case back to the bureau which issued the initial decision for the purpose of reconsideration of that decision would be warranted, the referee shall give that bureau the reason for such referral, together with specific directions as to the handling of the case on reconsideration.

(c) *Reconsideration of case by initial adjudicating unit.* The bureau to which a case is referred shall promptly undertake any additional development required, and shall make a determination as to whether the initial determination may be revised in whole or in part in a manner favorable to the appellant. Upon issuance of its determination, the bureau in question shall return the case along with a copy of its decision to the referee.

(d) *Revision of initial decision in whole or in part.* Where the bureau to which a case is referred determines to revise its initial decision in whole or in part, that bureau shall notify the appellant of such determination. If the revised determination is wholly favorable to the appellant, he or she shall be notified that the appeal to the Bureau of Hearings and Appeals will be dismissed by the referee assigned to the case. If the revised decision is partially favorable to the appellant, the notice shall inform the appellant that the referee will proceed with the portion of the appellant's case not revised in his or her favor, unless the appellant should request dismissal of the appeal.

(e) *Timely conduct of oral hearing.* The fact that a case on appeal has been referred back to the bureau which issued the initial decision in the case shall not delay the conduct of a hearing scheduled with respect to the appeal, unless the appellant agrees to a delay. If it appears that the bureau to which a case has been referred will not have completed its reconsideration of the case prior to the date of a scheduled hearing on an appeal and the appellant has not agreed to a delay in the conduct of the hearing, the referee shall proceed with the hearing and the handling of the case as though the case had not been referred back to the bureau.

§ 260.9 Final appeal from a decision of the referee.

(a) *General.* Every appellant shall have a right to a final appeal to the Railroad Retirement Board from any decision of a referee by which he or she claims to be aggrieved.

(b) *Appeal from decision of referee.* Final appeal from a decision of a referee shall be made by the execution and filing of the final appeal form prescribed by the Board. Such appeal must be filed with the Board within 60 days from the date upon which notice of the decision of the referee is mailed to the appellant at the last address furnished by him or her.

(c) *Timely filing.* The right to further review of a decision of a referee shall be forfeited unless formal final appeal is filed in the manner and within the time prescribed in § 260.9(b).

(d) *Submission of additional evidence.* Upon final appeal to the Board, the appellant shall not have the right to submit additional evidence: *Provided, however,* that if upon final appeal to the Board the Board finds that new or better evidence is available, the Board may obtain such evidence in which event the appellant shall be advised with respect to such evidence and given an opportunity to submit rebuttal evidence and argument: *Provided further,* that in the event that pursuant to the preceding proviso, material evidence is developed which tends to show facts contrary to those found by the referee, or in the event that the appellant shows that he is ready to present further material evidence, which for good reason he was not able to present to the referee, the claim may be referred back to the referee. Thereupon, the referee shall develop additional evidence for inclusion in the record, review the entire case, and shall:

(1) Issue his or her decision on remand or

(2) Transmit the entire record to the Board together with his or her recommendation to the Board for final decision. All remand decisions are final intermediate level administrative decisions which dispose of the appeal before the Board and if an appellant is dissatisfied with a remand decision he or she must appeal that decision to the Board in the manner described in § 260.9(b).

(e) *Decision of the Board.* The decision of the Board shall be made upon the record of evidence and argument which has been made in the handling of the case before final appeal

to the Board, with such additions as may be made pursuant to this section. Further argument will not be permitted except upon a showing by the appellant that he or she has argument to present which for valid reasons he or she was unable to present at an earlier stage or in cases in which the Board requests further elaboration of the appellant's arguments. In such cases, the further argument shall be submitted orally or in writing, as the Board may indicate in each case, and shall be subject to such restrictions as to form, subject matter, length and time as the Board may indicate to the appellant.

(f) *Issuance of decision.* The Board shall make every effort to issue a decision within 90 days after the later of:

(1) The date the final appeal is filed;

(2) The date new or better evidence is obtained in accordance with § 260.9(d) and the appellant has commented on it;

(3) The date new or better evidence is obtained in accordance with § 260.9(d) and after the close of the comment period;

(4) The date further argument submitted in accordance with § 260.9(e) is received; or

(5) The date the record is returned to the Board following referral back to the referee.

(g) *Review of decisions rendered prior to appeal to Board.* The Board may, on its own motion, review or cause to be reviewed any decision issued by a subordinate official or employee under this part.

§ 260.10 Determination of date of filing of appeal.

In determining whether an appeal has been made in accordance with the regulations in this part, the date of filing a duly executed appeal form prescribed by the Board shall be the date of its receipt at an office of the Board or the date of delivery for the purpose of transmission to the Board's main office in Chicago, Illinois, to any field agent specifically authorized by a regional director to receive custody thereof in the district where delivery is made, whichever date is earlier.

Dated: August 4, 1982.

By Authority of the Board.

James T. Brown,

Chief Executive Officer, Railroad Retirement Board.

[FR Doc. 82-23072 Filed 8-23-82; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject To Certification; Trimethoprim and Sulfadiazine Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Syntex Agribusiness, Inc., providing for safe and effective use of a larger dosage size tablet containing a combination antibacterial drug for treating large dogs.

EFFECTIVE DATE: August 24, 1982.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, filed a supplemental NADA (115-578) providing for a 960-milligram (mg) size of the combination drug product Di-Trim Tablet (160 mg of trimethoprim and 800 mg of sulfadiazine) to facilitate safe treatment of large dogs. The firm also holds approval under the same NADA for the same product in smaller-sized tablets. The drug is indicated where control of bacterial infection is required during treatment of acute urinary tract infections, acute bacterial complications of distemper, acute respiratory tract infections, acute alimentary tract infections, wound infections, and abscesses. The supplemental NADA is approved and the regulations are amended to reflect the approval.

This approval does not change the approved use of the drug. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this application does not require reevaluation of the safety and effectiveness data in the original application.

Approval of this supplement did not require the generation of new effectiveness or safety data. Therefore, a freedom of information summary is not required for this action.

The agency 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 520

Animal drugs, Oral use.

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

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 § 520.2610 by revising paragraph (b) to read as follows:

§ 520.2610 Trimethoprim and sulfadiazine tablets.

* * * * *

(b) *Sponsor.* See Nos. 000081 and 000033 in § 510.600(c) of this chapter.

* * * * *

Effective date. August 24, 1982.

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

Dated: August 17, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-22986 Filed 8-23-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 215, 236, 425, and 426

[Docket No. R-82-1006]

Rent Requirements for Section 101 (Rent Supplement) and Section 236 Programs

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

ACTION: Interim rule.

SUMMARY: The Department of Housing and Urban Development (HUD) is implementing recent statutory changes affecting tenants' rent requirements under the Section 101 (Rent Supplement)

and Section 236 Programs. This interim rule changes the income-percentage formula for determining the rent payable by tenants covered by these programs and the amounts of rent supplement and rental assistance payments.

DATES:

November 1, 1982.
October 8, 1982.

ADDRESSES: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Each comment should include the commentor's name and address and must refer to the docket number indicated in the heading of this rule. A copy of each comment will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James T. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, (202) 426-8730; or Monica Sussman, Office of State Agency and Bond Financed Programs, (202) 426-0283; Department of Housing and Urban Development, Washington, D.C. 20410. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

1981 Legislation

The Housing and Community Development Amendments of 1981 (1981 Amendments), contained in Title III, Subtitle A, of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), amended several provisions of section 236 of the National Housing Act and section 101 (Rent Supplement) of the Housing and Urban Development Act of 1965, as amended. This interim rule implements the change in the income-percentage formula for determining the amount of rent that assisted tenants must pay to the project owner under these programs.

Other changes made by the 1981 Amendments affecting definitions of income and adjusted income and recertification of family income and composition will be implemented separately in regulations now being developed by the Department.

The principal effects of the 1981 Amendments on computing tenant rents are to (1) require an increased percentage of income for rent, and (2) make the revised requirements generally consistent throughout the major HUD assisted housing programs.

The 1981 Amendments enacted similar rent calculation provisions governing other subsidized programs (Section 8 and Public Housing Programs). These changes in other programs were implemented by separate interim rules published on May 4, 1982 (47 FR 19120, 19128), which became effective on August 1, 1982.

Calculation of Rents

Section 322 of the 1981 Amendments establishes formulas for computing the rent which families participating in the sections 236 and 101 (Rent Supplement) Programs will pay. Under the section 236 interest subsidy program (Subpart A of 24 CFR Part 236), the 1981 Amendments require that tenants pay the greater of the approved basic rental charges or 30 percent of adjusted income or, in cases where tenants pay their own utilities, an amount not lower than 25 percent of adjusted income. Under the Rental Assistance Program (Subpart D of 24 CFR Part 236), the 1981 Amendments require that tenants receiving rental assistance payments shall pay the highest of 30 percent of adjusted monthly income, 10 percent of gross monthly income, or if the family receives welfare assistance, a portion of which is designated for housing and is adjusted in accordance with actual housing costs, that portion designated for housing.

For Rent Supplement recipients, the 1981 Amendments change the minimum payment by a tenant to the greater of 30 percent of adjusted monthly income or 30 percent of the fair market rental charge approved for the unit.

New families admitted to the programs after the effective date of the rule will pay these rents immediately upon admission.

Section 322 of the 1981 Amendments authorizes the Secretary to provide for delayed applicability or staged implementation of the rent computation requirements for tenants already occupying assisted housing if the Secretary determines that immediate application of the procedures would be impracticable, would violate the terms of existing leases, or would result in extraordinary hardship for any class of tenants. The Secretary has determined to exercise this flexibility so that rent increases for tenants already in occupancy under the program can be phased in gradually. Section 322 also restricts rent increases resulting from the statutory changes to a maximum of 10 percent during any 12-month period and further provides that such provisions shall not result in reduction of a tenant's rent below the amount paid on the day before the effective date of the changes. This does not preclude rent increases in excess of 10 percent where such rent increases result from increases in actual tenant income or from increases in basic rents, or the HUD-approved unit rent in the case of rent supplement projects.

The phase-in of the new system for tenants already in occupancy would begin no later than at the first lease expiration or annual recertification (whichever occurs first) occurring after the effective date of this interim rule. For the Federal Fiscal Year 1983, the rent will be computed using 27 percent of adjusted income, in Fiscal Year 1984, using 28 percent of adjusted income, etc., until the Fiscal Year 1986, when the full 30 percent will be used. In no case will a family's rental payment increase by more than 10 percent during any 12-month period because of these changes or other changes in Federal law regarding the counting of other governmental benefits as income, nor will there be a decrease in rent due to these changes. Earlier published provisions governing other subsidized programs (Section 8 and Public Housing) became effective during fiscal year 1982 and provided, during that fiscal year, for rent calculations at the 26 percent level, moving to 27 percent after October 1, 1982. Because this rule will become effective during fiscal 1983, the rule provides for determinations at the 27 percent level immediately, in order that a uniform phase-in may be applied to all assisted housing programs affected by the 1981 Amendments.

This rule removes Subpart E—Tax and Utility Subsidy Program—from 24 CFR Part 236. This subpart is no longer necessary since the Housing and Community Development Amendments of 1978 mandated the termination of this program.

This interim rule also removes Parts 425 and 426, which duplicated the regulatory provisions covering section 236 and the rent supplement program in another place. The provisions in Part 425 regarding annual recertification of income have been moved into Part 236.

Publication as Interim Rule

The subject matter of this rulemaking action relates to benefits or contracts and is, therefore, exempt from the notice and public comment requirements of section 553 of the Administrative Procedure Act. As a matter of policy, HUD submits most rulemaking actions dealing with such subject matter for public comment, either before or after effectiveness of the action, notwithstanding the statutory exemption.

Because the new formula revisions established by this rule flow directly from legislative changes, and because it is in the public interest to implement the 1981 Amendments as soon as possible,

the Secretary has determined that prior public comment is unnecessary and contrary to the public interest and that good cause exists for publication of this rule as an interim rule, to become effective without a prior public comment period. However, public comments on the interim rule will be received for a 45-day period following publication.

Other Findings

The Department has determined that this rule does not constitute a "major rule" as defined in Executive Order 12291 because its economic impact, while it may exceed $100 annually when considered together with related amendments for the Section 8 and Public Housing Programs, results entirely from the legislative enactment and not from an additional exercise of administrative discretion.

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, Rule 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.

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

The Catalog of Federal Domestic Assistance numbers are 14.103 and 14.149.

Information collection requirement contained in this regulation (§§ 236.80 and 236.81) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Number 2502–0204.

List of Subjects

24 CFR Part 25

Grant programs, Housing and community development, Rent subsidies.

24 CFR Part 236

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

24 CFR Part 425

Low and moderate income housing, Mortage insurance, Rental housing.

24 CFR Part 426

Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, 24 CFR Parts 215, 236, 425, and 426 are amended as follows:

PARTS 215—RENT SUPPLEMENT PAYMENTS

1. Section 215.25 is revised to read as follows:

§ 215.25 Determination of eligibility.

(a) The housing owner will review for eligibility each individual or family who applies for rent supplement assistance using a form prescribed by the Commissioner. For each individual or family meeting the requirements of § 215.20 of this part, the Commissioner shall provide monthly rent supplement payments to the housing owner on behalf of each qualified tenant in an amount determined as set forth in this Part. No rent supplement shall be offered where the amount of assistance at admission would be less than 10 percent of the approved rent. The rent supplement payment shall not, regardless of the tenant's income, exceed 70 percent of the approved rent for the unit.

(b) The Commissioner may approve a qualified tenant as a lessee under and option to purchase a dwelling at a stipulated price, if it is determined that the tenant will be able to finance such purchase on the basis of the probability of future increases in the tenant's income.

2. Section 215.45 is amended by revising paragraph (a) and adding paragraphs (c), (d), (e) and (f) to read as follows:

§ 215.45 Maximum payments under contract for each tenant.

(a) The rent supplement contract shall provide that the payment on behalf of a qualified tenant shall be that amount by which the approved rent for the unit (plus, where applicable, the utility allowance established by the Commissioner for reasonable utility charges paid by the tenant) exceeds the amount determined to be payable by the tenant pursuant to paragraph (c) or (d) of this section.

* * * * *

(c) In the case of any qualified tenant on whose behalf rent supplement payments with respect to the unit commenced on or after November 1, 1982, the monthly rental charge (or, where utitlity charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges), rounded to the nearest dollar, shall be the greater of:

(1) 30% of one-twelfth of the tenant's income; or

(2) 30% of the approved montly rental charge for the unit (or, where utility charges are paid by the tenant, 30% of the sum of the approve monthly rental charge for the unit plus the utility allowance established for such charges).

(d) In the case of any qualified tenant on whose behalf rent supplement payments with respect to the unit commenced prior to November 1, 1982, the monthly rental charge (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) shall be calculated in accordance with paragraph (c) of this section at the earlier of the first lease expiration or annual recertification occurring on or after November 1, 1982, except that the percentage of income utilized in paragraph (c)(1) shall be as follows:

Effective date of recertification	Percentage
Nov. 1, 1982–Sept. 30, 1983	27
Oct. 1, 1983–Sept. 30, 1984	28
Oct. 1, 1984–Sept. 30, 1985	29
Oct. 1, 1985 and after	30

(e) Notwithstanding paragraph (d) of this section, the monthly rental charge payable by a qualified tenant (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) shall not be increased by more than 10 percent during any 12-month period as a result of applying such paragraph (d) of this section, or as a result of applying any other provision of Federal law becoming effective on or after October 1, 1981, redefining which governmental benefits are required to or may be considered as income. However, such monthly rental charge (or, where applicable, the sum of such charge plus utility allowance) may be increased by more than 10 percent during any 12-month period to the extent that the portion of such increase above 10 percent is attributable to increases in income or in the approved rental charge for the unit.

(f) In no event shall the monthly rental charge (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) payable by a qualified tenant on whose behalf rent supplement payments with respect to the unit commenced before

November 1, 1982, be decreased below the amount payable by such tenant as of October 31, 1982, unless such decrease results from a decrease in the tenant's income.

3. In § 215.70, paragraph (b)(1) is revised to read as follows:

§ 215.70 Form of lease.

* * * * *

(b) * * *

(1) A provision obligating the tenant to report immediately to the housing owner any increase in income to a point where rent supplement payments should be terminated.

* * * * *

4. Section 215.75 is revised to read as follows:

§ 215.75 Housing owner's obligation under contract to report tenant income increase.

The rent supplement contract shall contain a provision obligating the housing owner to notify the Commissioner upon receiving a report from a tenant of an increase in the tenant's income resulting in the tenant's ability to pay the full monthly rental for the housing unit with 30 percent of his/her adjusted montly income or his/her ability to pay an increased monthly rental payment. The contract shall also obligate the housing owner, upon failing to notify the Commissioner when a report of such increase in income is received from a tenant, to reimburse the Commissioner for any rent supplement payments made during the period after receipt of such report when the tenant is receiving the increased income.

5. Section 215.80 is revised to read as follows:

§ 215.80 Change in tenant income status.

Appropriate adjustments will be made in rent supplement payments to reflect changes in income or other circumstances which are reported by a tenant and verified, or are shown by the annual tenant income recertification. Rent supplement payments will be discontinued when it is determined by the Commissioner that 30 percent of the tenant's income is sufficient to pay the approved rent for the unit occupied by the tenant. Where a tenant is no longer entitled to rent supplement payments, he/she may continue to occupy the unit. The rent charged for the unit shall not exceed the approved market rental as determined by the Commissioner.

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

6. Section 236.55 is revised to read as follows:

§ 236.55 Rental charges.

(a) *Approved rental charges.* The mortgagor shall, with the approval of the Secretary, establish and maintain for each dwelling unit the following:

(1) A basic monthly rental charge for each dwelling unit determined on the basis of operating the project with payments of principal and interest due under a mortgage bearing interest at the rate of one percent per annum, and

(i) With the payment of the cost of utility services used by the dwelling units, when such charges are paid by the project owner, or

(ii) Without the payment of the cost of utility services used by the dwelling units, when the units have separate meters and some or all such charges are paid directly by the tenants.

(2) A fair market monthly rental charge for each dwelling unit determined on the basis of operating the project with payments of principal, interest and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage, and

(i) With the payment of the cost of utility services used by the dwelling units, when the basic monthly rental charge has been determined pursuant to paragraph (a)(1)(i) of this section; or

(ii) Without the payment of the cost of some or all utility services used by the dwelling units, when the basic monthly rental charge has been determined pursuant to paragraph (a)(1)(ii) of this section.

(b) *Monthly Rental Charge.* Monthly rental charges shall be calculated as follows:

(1) *Rent for families commencing occupancy on or after [insert effective date of interim rule].* The tenant's monthly rental payment shall be the greater of the basic rental charge, or

(i) 30 percent of the tenant's adjusted monthly income with respect to a unit for which the basic monthly rental charge has been determined pursuant to paragraph (a)(1)(i) of this section, or

(ii) An amount equal to 30 percent of the tenant's adjusted monthly income less the utility allowance established by the Secretary, based on data originating from the appropriate utility, for the utility charges to be paid by such tenant, but in no case less than 25 percent of the tenant's adjusted montly income, with respect to any units for which the basic monthly rental charge has been determined pursuant to paragraph (a)(1)(ii) of this section.

(2) *Rent for families commencing occupancy before November 1, 1982.* (i) At the earlier of the first lease expiration or annual recertification occurring on or after November 1, 1982, the tenant's portion of the rent shall be calculated in accordance with paragraph (b)(1) of this section, except that instead of 30 percent, the percentage applied to adjusted monthly income shall be as follows:

Effective Date of Recertification and Percentage
November 1, 1982–September 30, 1983—27
October 1, 1983–September 30, 1984—28
October 1, 1984–September 30, 1985—29
October 1, 1985 and after—30

(ii) The rent the family is charged is subject to the following conditions:

(A) The rental charge shall not be increased by more than 10 percent during any 12-month period as a result of applying paragraph (b)(2)(i) of this section, or as a result of applying any other provision of Federal law becoming effective on or after October 1, 1981, redefining which governmental benefits are required to or may be considered as income. However, the rental charge may be increased by more than 10 percent during any 12-month period to the extent that the portion of such increase above 10 percent is attributed solely to increases in income not caused by redefinitions referred to in this paragraph or to increases in the basic rental charge.

(B) The amount of the rental payment shall not be decreased below the amount payable by the family as of October 31, 1982, unless the decrease in the rental payment is caused by a decrease in monthly income or in adjusted monthly income.

(3) In no event shall the monthly rental exceed the fair market rental.

7. Section 236.60 is revised to read as follows:

§ 236.60 Excess rental charges.

The mortgagor shall agree to pay monthly to the Commissioner the total of all rental charges collected in excess of the sum of the approved basic rental charges (as adjusted, if applicable, for tenant-paid utilities) in accordance with instructions prescribed by the Secretary.

8. Sections 236.80 and 236.81 are added, as follows:

§ 236.80 Required recertification of income.

The mortgagor shall obtain from each tenant or cooperative member who is not paying the fair market rental, an annual recertification of family income. The recertification shall be made on Form HUD–50059, Certification and Recertification of Tenant Eligibility.

(Approved by the Office of Management and Budget under OMB Control Number 2502–0204)

§ 236.81 Optional recertification of income.

Upon request of a tenant or cooperative member, the mortgagor shall accept recertification of family income whenever there is a change in tenant's or cooperative member's family income as reported in the most recent recertification. The recertification shall be made on Form HUD-50059, Certification and Recertification of Tenant Eligibility.

(Approved by the Office of Management and Budget under OMB Control Number 2502-)

9. Section 236.710 is revised to read as follows:

§ 236.710 Qualifed tenant.

The benefits of the rental assistance payments are available only to an individual or a family renting a dwelling unit in a project which is subject to a contract under this Subpart or occupying such a dwelling unit as a cooperative member. To qualify for such benefits, the individual or family shall meet the requirements prescribed by § 236.2(a) of Subpart A. In order to receive rental assistance under this Subpart, it must have been determined that the income of an individual or family is too low to permit the individual or family to pay the approved basic monthly rental (plus, where applicable, the utility allowance established for utility charges paid by the tenant) with 30% of such individual's or family's Adjusted Monthly Income, as defined in Subpart A.

10. Section 236.715 is revised to read as follows:

§ 236.715 Determination of eligibility.

The housing owner, when determining the eligibility of a tenant or prospective tenant for rental assistance payments, will use the form prescribed by the Secretary. If the applicant meets the requirements of §236.710 and if rental assistance payments on behalf of the applicant would not cause the percentage of eligible units to be exceeded, the Secretary shall provide monthly rental assistance payments to the housing owner on behalf of the qualified tenant in an amount determined as set forth in this subpart.

11. Section 236.735 is revised to read as follows:

§ 236.735 Rental assistance payments and rental charges.

(a) The rental assistance contract shall provide that the payment by which the basic rental charge approved by the Secretary for the unit exceeds the tenant's monthly rental payment as calculated in accordance with paragraph (b) or (c) of this section, when the basic rental charge is determined pursuant to § 236.55(a)(1)(i); or (2) That amount by which the basic rental charge plus the utility allowance established for utility charges paid by the tenant exceeds the sum of the monthly rental payment calculated in accordance with paragraph (b) or (c) of this section plus such utility allowance, when the basic rental charge is determined pursuant to §236.55(a)(1)(ii).

(b) Notwithstanding §236.55(b), the monthly rental charge which shall be paid by a qualified tenant on whose behalf rental assistance payments are being made to the owner (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges), in the case of any qualified tenant on whose behalf rental assistance payments commence on or after November 1, 1982, shall be the highest of the following amounts, rounded to the nearest dollar:

(1) 30 percent of Adjusted Monthly income as defined in Subpart A;

(2) 10 percent of one-twelfth of Annual Income as defined in Subpart A;

(3) If the family receives welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph (b)(3) shall be the amount resulting from one application of the percentage.

(c) In the case of any qualified tenant on whose behalf rental assistance payments commenced prior to November 1, 1982, such tenant's monthly rental charge (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) shall be calculated in accordance with paragraph (b) of this section at the earlier of the first lease expiration or annual recertification occurring on or after November 1, 1982, except that instead of 30 percent, the percentage applied to Adjusted Monthly Income shall be as follows:

Effective Date of Recertification and Percentage
November 1, 1982–September 30, 1983—27
October 1, 1983–September 30, 1984—28
October 1, 1984–September 30, 1985—29
October 1, 1985 and after—30

(d) Notwithstanding paragraphs (b) and (c) of this section, the monthly rental charge payable by a qualified tenant (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) shall not be increased by more than 10 percent during any 12-month period as a result of applying paragraph (b) or (c) of this section, or as a result of applying any other provision of Federal law becoming effective on or after October 1, 1981, redefining which governmental benefits are required to or may be considered as income. However, such monthly rental charge (or, where applicable, the sum of such charge plus utility allowance) may be increased by more than 10 percent during any 12-month period to the extent that the portion of such increase above 10 percent is attributed solely to increases in income not caused by redefinitions referred to in this paragraph.

(e) In no event shall the monthly rental payment (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) payable by a qualified tenant on whose behalf rental assistance payments commenced prior to November 1, 1982 be decreased below such amount payable by such tenant as of October 31, 1982, unless such decrease results from a decrease in monthly income or Adjusted Monthly Income.

(f) Where the monthly amount determined pursuant to paragraphs (b) or (c) of this section is less than the utility allowance established for utility charges paid by a qualified tenant, the owner shall pay over to the tenant the portion of the rental assistance payment paid on such tenant's behalf which represents the amount by which the utility allowance exceeds the amount determined pursuant to paragraphs (b) or (c).

12. Section 236.755 is revised to read as follows:

§ 236.755 Housing owner's obligation under contract to report tenant income increase.

The rental assistance contract shall contain a provision obligating the housing owner to notify the Secretary upon receiving a report from a tenant of an increase in the tenant's income resulting in the tenant's ability to pay the approved basic monthly rental (plus, where applicable, the utility allowance established for utility charges paid by the tenant) with 30 percent of such tenant's Adjusted Monthly Income. The contract shall also obligate the housing owner, upon failing to notify the Secretary when a report of such increases in income is received from a tenant, to reimburse the Secretary for

any rental assistance payments made during the period following receipt of such report when the tenant is receiving the increased income.

13. Section 236.760 is revised to read as follows:

§ 236.760 Change in tenant income status.

Appropriate adjustments will be made in rental assistance payments to reflect changes in income or other circumstances which are reported by a tenant and verified or are shown by the annual tenant income recertification, as required by § 236.80. Rental assistance payments will be discontinued when it is determined by the Secretary that 30 percent of the tenant's Adjusted Monthly Income is sufficient to pay the approved basic monthly rental (plus, where applicable, the established utility allowance) for the unit occupied by the tenant. Where a tenant is no longer entitled to rental assistance payments, he/she may continue to occupy the unit. The rents charged for the unit shall not exceed those specified in Subpart A.

Subpart E—Tax and Utility Subsidy Payments [Removed]

14. Subpart E, *Tax and Utility Subsidy Payments*, is removed.

PART 425—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS [REMOVED]

15. Part 425 is removed.

PART 426—RENTAL ASSISTANCE PAYMENTS [REMOVED]

16. Part 426 is removed.

Authority: Section 101, Housing and Urban Development Act of 1965, 12 U.S.C. 1701s; Section 236, National Housing Act, 12 U.S.C. 1715 Z-1; Section 322, Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Dated: August 2, 1982.

Philip Abrams,

General Deputy Assistant Secretary, Deputy, Federal Housing Commissioner.

[FR Doc. 82-23031 Filed 8-23-82; 8:45 am]

BILLING CODE 4210-27-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Handling of Employment Discrimination Charges

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations designating certain State and local fair employment practices agencies (706 Agencies) so that they may handle employment discrimination charges, within their jurisdictions, filed with the Commission. Publication of this amendment effectuates the designation of Kansas City (MO) Human Relations Department as a 706 Agency.

EFFECTIVE DATE: August 24, 1982.

FOR FURTHER INFORMATION CONTACT: Franklin F. Chow, Equal Employment Opportunity Commission, Office of Field Services, State and Local Division, 2401 E St., NW., Washington D.C. 20506, telephone 202/634-6905.

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

PART 1601—PROCEDURAL REGULATIONS

In Title 29, Chapter XIV of the Code of Federal Regulations, § 1601.74(a) is amended by adding in alphabetical order the following agency:

§ 1601.74 Designated and notice agencies.

(a) * * *

Kansas City (MO) Human Relations Department.

* * * * *

(Sec. 713(a) 78 Stat. 265 (42 U.S.C. 2000e12(a))).

Signed at Washington, D.C., this 19th day of August, 1982.

For the Commission.

John E. Rayburn,

Director, State and Local Division.

[FR Doc. 82-23133 Filed 8-23-82; 8:45 am]

BILLING CODE 6570-06-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 203 and 204

Privacy Act of 1974; Freedom of Information Act; Policies and Procedures

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is adopting final regulations that amend §§ 203.3, 203.4, 203.6, 204.3, 204.4, 204.5, 204.6, and 204.7. Section 203.3 is amended to reflect the current organizational structure of the Copyright Office, the duties of its principal officers, and a change in the location of the Office. Sections 203.4 (c) and (d), 204.4(a), 204.5(a), and 204.7(a) are amended to show the present address, phone number, and public hours of the Public Information Office of the Copyright Office. Sections 203.6(b)(2) and 204.6(a) are amended to reflect a change of fees for copies. Section 204.3 is amended to limit the number of systems of records maintained by the Copyright Office that are available to the public for inspection and copying. Section 204.4(a) is amended to clarify and limit the number of systems of records maintained by the Copyright Office that are open to public inspection. Section 204.5(a) is amended to provide that the written request from an individual desiring access to records containing information pertaining to him or her must be signed either by the individual or his or her duly authorized agent.

FOR FURTHER INFORMATION CONTACT: Victor Marton, Supervisory Copyright Information Specialist, Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287-8700.

SUPPLEMENTARY INFORMATION: (1) *Organization.* There have been some changes in areas of responsibility and titles in the Office of the Register of Copyrights. Section 203.3 has been amended to state the present organizational structure, as well as to reflect the change in location of the Office from Arlington, Va. to Washington, D.C.

(2) *Public Information Office.* Freedom of Information Act and Privacy Act requests are made through the Public Information Office. That office has been relocated in The James Madison Memorial Building of the Library of Congress in Washington, D.C. Sections 203.4 (c) and (d), 204.4(a), 204.5(a), and 204.7(a) have been amended to show the current address, room number, and telephone number of the Public Information Office.

(3) *Fees.* The fees for copies of records made under the Freedom of Information Act and the Privacy Act have been changed. Sections 203.6(b)(2) and 204.6(a) have been amended to show the changes.

(4) *Copyright Office Records.* Section 204.3 is amended to clarify that it is those systems of records created under section 705 of Title 17 that are open to public inspection, and to further state

that, with the exception of copyright deposits, it is only those systems of records that are open for public copying. A further paragraph is added to § 204.3 explaining that the Copyright Office maintains other systems of records whose routine use is consultation and use by Copyright Office employees in the performance of their duties. Mailing lists developed by the Copyright Office will not be made publicly available. Section 204.4(d) is also amended to clarify that only Copyright Office records created under 17 U.S.C. 705 are open to public inspection. Section 204.5(a) is amended to provide that individuals desiring access to Copyright Office information pertaining to them, other than information contained in the public records of the Office, should submit a written request which either they or their duly authorized agent has signed.

List of Subjects in 37 CFR Parts 203 and 204

Privacy.

Final Regulations

PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

Part 203 of 37 CFR Chapter II is amended:

1. By revising § 203.3 to read as follows:

§ 203.3 Organization.

(a) *In general.* The organization of the Copyright Office consists of the Office of the Register of Copyrights and six operating divisions. The Office of the Register of Copyrights includes the Register of Copyrights, the Associate Registers, the Assistant Register, the International Copyright Officer, the Executive Officer, and the Administrative Office. The Register of Copyrights provides overall direction of the work of the Copyright Office. The Register is assisted by the Associate Registers of Copyright and other Officers, who have delegated responsibilities for particular aspects of the activities of the Copyright Office.

(b) The Associate Register of Copyrights serves as a deputy to the Register of Copyrights and has oversight of the operating divisions of the Copyright Office. The operating divisions are:

(1) The Acquisitions and Processing Division, which receives incoming materials, dispatches outgoing materials, establishes control over fiscal accounts and controls over materials acquired for the collections of the Library of Congress under the deposit requirements of the copyright statute.

(2) The Examining Division, which examines all applications and material presented to the Copyright Office for registration of original and renewal copyright claims and for recordation of documents, and which determines whether the materials deposited constitute copyrightable subject matter and whether the other legal and formal requirements of Title 17 have been met.

(3) The Cataloging Division, which prepares the bibliographic description of all copyrighted works registered in the Copyright Office, including the recording of legal facts of copyright pertaining to each work, and creates a data base from which catalog cards and the Catalog of Copyright Entries are produced.

(4) The Information and Reference Division, which provides a national copyright information service through the public information office, educates staff and the public on the copyright law, issues and distributes information materials, responds to reference requests regarding copyright matters, prepares search reports based upon copyright records, certifies copies of legal documents concerned with copyright, and maintains liaison with the United States Customs Service, the Department of the Treasury, and the United States Postal Service on certain matters.

(5) The Licensing Division, which implements the sections of the Copyright Act dealing with secondary transmissions of radio and television programs, compulsory licenses for making and distributing phonorecords of nondramatic musical works, public performances through coin-operated phonorecord players, and use of published nondramatic musical, pictorial, graphic, and sculptural works in connection with noncommercial broadcasting.

(6) The Records Management Division, which develops, services, stores, and preserves the official records and catalogs of the Copyright Office, including applications for registration, historical records, and materials deposited for copyright registration that are not selected by the Library of Congress for addition to its collections.

(c) The Associate Register of Copyrights for Legal Affairs and Copyright General Counsel is the principal legal officer of the Office. The General Counsel has overall supervisory responsibility for the legal staff and primary responsibility for providing liaison on legal matters between the Office and the Congress, the Department of Justice and other agencies of Government, the courts, the legal community, and a wide range of interests affected by the copyright law.

(d) The Associate Register of Copyrights for Special Programs is primarily responsible for initiating, planning, developing, and implementing projects and activities covering the broad range of legal, international, and scholarly matters with which the Copyright Office deals.

(e) The Office has no field organization.

(f) The Office is located in The James Madison Memorial Building of the Library of Congress, 1st and Independence Avenue, SE., Washington, D.C. 20559. The Public Information Office is located in Room LM–401. Its hours are 8:30 a.m. to 5 p.m., Monday through Friday except legal holidays. The phone number of the Public Information Office is (202) 287–8700. Informational material regarding the copyright law, the registration process, fees, and related information about the Copyright Office and its functions may be obtained free of charge from the Public Information Office upon request.

(g) All Copyright Office forms may be obtained free of charge from the Public Information Office.

2. By revising paragraphs (c) and (d) of § 203.4 to read as follows:

§ 203.4 Methods of operation.

* * * * *

(c) The material and indexes referred to in paragraphs (a) and (b) of this section are available for public inspection and copying at the Public Information Office of the Copyright Office, Room LM–401, The James Madison Memorial Building of the Library of Congress, 1st and Independence Avenue, SE., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m., Monday through Friday except legal holidays.

(d) The Supervisory Copyright Information Specialist is responsible for responding to all initial requests submitted under the Freedom of Information Act. Individuals desiring to obtain access to Copyright Office information under the Act should make a written request to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559, or in person between the hours of 8:30 a.m. and 5 p.m. on any working day except legal holidays at Room LM–401, The James Madison Memorial Building, 1st and Independence Avenue, SE., Washington, D.C.

If a request is made by mail, both the request and the envelope carrying it should be plainly marked Freedom of Information Act Request. Failure to so mark a mailed request may delay the Office response.

* * * * *

3. By revising § 203.6 (b)(2) to read as follows:

§ 203.6 Schedule of fees and method of payment for services rendered.

* * * * *

(b) * * *

(2) For copies of all other Copyright Office records not otherwise provided for in this section $.45 per page for 24 pages or less, and $.40 per page for 25 pages or more, with a minimum fee of $6.00.

* * * * *

PART 204—PRIVACY ACT: POLICIES AND PROCEDURES

Part 204 of 37 CFR Chapter II is amended:

1. By revising § 204.3 to read as follows:

§ 204.3 General policy.

The Copyright Office serves primarily as an office of public record. Section 705 of Title 17, United States Code, requires the Copyright Office to open for public inspection all records of copyright deposits, registrations, recordations, and other actions taken under Title 17. Therefore, a routine use of all Copyright Office systems of records created under section 705 of Title 17 is disclosure to the public. All Copyright Office systems of records created under section 705 of Title 17 are also available for public copying as required by section 706(a), with the exception of copyright deposits, whose reproduction is governed by section 706(b) and the regulations issued under that section. In addition to the records mandated by section 705 of Title 17, the Copyright Office maintains other systems of records which are necessary for the Office effectively to carry out its mission. These systems of records are routinely consulted and otherwise used by Copyright Office employees in the performance of their duties. The Copyright Office will not sell, rent, or otherwise make publicly available any mailing list prepared by the Office.

2. By revising paragraphs (a) and (d) of § 204.4 to read as follows:

§ 204.4 Procedure for notification of the existence of records pertaining to individuals.

(a) The Copyright Office will publish annually in the **Federal Register** notices of all Copyright Office systems of records subject to the Privacy Act. Individuals desiring to know if a Copyright Office system of records contains a record pertaining to them should submit a written request to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C., 20559, or in person between the hours of 8:30 a.m. and 5 p.m. on any working day except legal holidays at Room LM-401, The James Madison Memorial Building, 1st and Independence Avenue, S.E., Washington, D.C.

* * * * *

(d) Since all Copyright Office Records created under section 705 of Title 17 are open to public inspection, no identity verification is necessary for individuals who wish to know whether a system of records created under section 705 pertains to them.

3. By revising paragraph (a) of § 204.5 to read a follows:

§ 204.5 Procedures for requesting access to records.

(a) Individuals desiring to obtain access to Copyright Office information pertaining to them in a system of records other than those created under section 705 of Title 17 should make a written request, signed by themselves or their duly authorized agent, to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559, or in person between the hours of 8:30 a.m. and 5 p.m. on any working day except legal holidays at Room LM-401, The James Madison Memorial Building, 1st and Independence Avenue, S.E., Washington, D.C.

* * * * *

4. By revising paragraph (a) of § 204.6 to read as follows:

§ 204.6 Fees.

(a) The Copyright Office will provide, free of charge, one copy to an individual of any record pertaining to that individual contained in a Copyright Office system of records, except where the request is for a copy of a record for which a specific fee is required under section 708 of Title 17 of the United States Code, in which case that fee shall be charged. For additional copies of records not covered by section 708 the fee will be computed at the rate of $.45 per page for 24 pages or less, and $.40 per page for 25 pages or more with a minimum fee of $6.00. The Office will require prepayment of fees estimated to exceed $25.00 and will remit any excess paid or bill an additional amount according to the differences between the final fee charged and the amount prepaid. When prepayment is required, a request is not deemed "received" until prepayment has been made.

* * * * *

5. By revising paragraph (a) of § 204.7 to read as follows:

§ 204.7 Request for correction or amendment of records.

(a) Any individual may request the correction or amendment of a record pertaining to her or him. With respect to an error in a copyright registration, the procedure for correction and fee chargeable is governed by section 408(d) of Title 17 of the United States Code, and the regulations issued as authorized by that section. With respect to an error in any other record, the request shall be in writing and delivered either by mail addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559, or in person between the hours of 8:30 a.m. and 5 p.m. on any working day except legal holidays, at Room LM-401, The James Madison Memorial Building, 1st and Independence Avenue, S.E., Washington, D.C. The request shall explain why the individual believes the record to be incomplete, inaccurate, irrelevant, or untimely.

* * * * *

(17 U.S.C 701; 702)

Dated: August 16, 1982.

David Ladd,

Register of Copyrights.

Approved:

Daniel L. Boorstin,

The Librarian of Congress.

[FR Doc. 82-23139 Filed 8-23-82; 8:45 am]

BILLING CODE 1410-03-M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Annual Cumulation of PCM Circulars Into Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Cumulation of PCM Circulars 81-1 through 81-8 into Postal Contracting Manual.

SUMMARY: In 1981 the Postal Service began a new and more expeditious method of amending the Postal Contracting Manual (PCM) by issuing PCM Circulars. Once each year all

circulars previously issued are cumulated in a Transmittal Letter, noticed in the **Federal Register**, and transmitted to subscribers by GPO in the usual way. This document gives notice of the cumulation in Transmittal Letter 34 of PCM Circulars 81-1 through 81-8.

EFFECTIVE DATE: Transmittal Letter 34—June 30, 1982; Substantive changes to the PCM—date of each PCM Circular.

FOR FURTHER INFORMATION CONTACT: Eugene A. Keller, (202) 245-4818.

SUPPLEMENTARY INFORMATION: For the above reasons, the Postal Contracting Manual, which has been incorporated by reference in the **Federal Register** (see 39 CFR 601.100), has been amended by the issuance of Transmittal Letter 34, dated June 30, 1982.

List of Subjects in 39 CFR Part 601

Government procurement, Postal service.

Accordingly, title 39 CFR Part 601 is amended by adding the following to § 601.105:

§ 601.105 Amendments to the Postal Contracting Manual.

Transmittal letter	Dated	Federal Register publication
*	*	* * *
34	June 30, 1982.	47 FR.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 82-23141 Filed 8-23-82; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 2177-2]

Approval and Promulgation of Implementation Plans; Connecticut—Monitoring Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a regulation that requires large fuel burning sources (over 250 million BTU per hour) to monitor smoke and opacity levels. This action exempts smaller fuel burning sources from installing, maintaining and operating smoke and opacity monitors. The intended effect of this action is to relieve smaller sources from certain monitoring requirements.

EFFECTIVE DATE: September 23, 1982.

ADDRESSES: The State submittal is available for public inspection during normal business hours at the Environmental Protection Agency, Room 1903, JFK Federal Bldg., Boston, MA 02203; Public Inspection Information Reference Unit, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460; Office of the Federal Register, 1100 L St., NW., Room 8401, Washington, D.C. 20408 and the Air Compliance Unit, Department of Environmental Protection, 165 Capitol Ave., Hartford, CT 06115.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On November 12, 1981 (46 FR 55716), EPA published a Notice which, among other actions, proposed approval of two regulations in Connecticut's December 15, 1980 submittal if the State made either regulatory changes or certified that those regulations would be implemented consistent with EPA monitoring regulations. On May 5, 1982 the State sent EPA a certification letter that satisfied only one condition.

Smoke and Opacity Monitoring

The Connecticut submittal includes a change to Regulation 19-508-4(b)(1)(ii) that requires only large fuel burning sources (a maximum rated heat input of 250 million BTUs) to install, maintain and operate smoke and opacity monitors. The regulation was not consistent with EPA requirements because it did not require that sources subject to the smoke and opacity monitoring regulation follow EPA-approved design and installation criteria and performance specification tests.

The State's May 5, 1982 letter certifies that only those monitors which fulfill EPA-approved criteria and tests will be approved for use in Connecticut. Since this certification is adequate to insure that opacity and smoke monitoring will be conducted consistent with EPA's monitoring regulations, we are approving changes to Connecticut Regulation 19-508-4(b)(1)(ii).

"Acceptable Method"

The Connecticut submittal included an addition to the definition section of State Regulation 19-508-24, Connecticut Primary and Secondary Standards. That addition was the term "Acceptable Method". For the purposes of sampling and analyzing monitoring data to determine compliance with ambient air quality standards, this term was defined as "a reference method, an equivalent method, or any other method determined by the Commissioner." This definition gives the Commissioner the discretion to approve any method for determing compliance with standards and does not assure that the method chosen would be consistent with EPA monitoring regulations.

The State's May 5, 1982 letter does not certify that Connecticut would insure that any method determined acceptable by the Commissioner would be a method approved by EPA. Therefore, we are taking no action on this regulatory change.

Action: EPA is taking the following actions on two revisions to the Connecticut State Implementation Plan submitted on December 15, 1980:

1. Approving the change to Regulation 19-508-4(b)(1)(ii), concerning Smoke and Opacity Monitoring.

2. Taking no action on the change to Regulation 19-508-4(a)(4), under Executive Order 12291, today's action is not "Major."

This regulation was submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Room 1903, JFK Federal Bldg., Boston, MA 02203.

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)).

List of Subjects of 40 CFR Part 52

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

(Sec. 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)))

Dated: August 13, 1982.

John W. Hernandez, Jr.,

Acting Administrator.

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

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 H—Connecticut

1. Section 52.370, paragraph (c) is amended by revising subparagraph (20) as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(20) Revisions to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, were submitted on December 15, 1980, May 29, 1981, and May 5, 1982. Included are changes to the State Ozone Control Plan involving adoption of Regulation 19–508–20(k) controlling the use of cutback asphalt, the approval of the RFP demonstration for ozone attainment, a refined inventory of miscellaneous stationary sources of Volatile Organic Compounds, changes to Regulation 19–508–3(1) dealing with review of new and modified stationary sources, and an amendment to the State's Smoke and Opacity monitoring requirements.

2. Section 52.380 is amended by adding subparagraph (d)(9) as follows:

§ 52.380 Rules and regulations.

* * * * *

(d) * * *

(9) Regulation 19–508–24(a)(4). The definition of "Acceptable Method" as submitted on December 15, 1980.

[FR Doc. 82-23137 Filed 8-23-82; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 5-1

[APD 2800.2 CHGE 25]

A Requirement for Independent Government Estimates of Cost for Public Building Service (PBS) Contracts and Contract Modifications

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Procurement Regulations, Chapter 5, are amended to add section 5–18.108 to require and independent Government estimate of cost for Public Building Service (PBS) proposed contracts for services, construction, repair and alteration, professional services, and for each contract modification affecting price. PBS requested this change. The intended effect of this change is to improve the procurement system.

EFFECTIVE DATE: September 10, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy (202–523–4755).

SUPPLEMENTARY INFORMATION:

List of Subjects in 41 CFR Part 5-1

Government procurement, Small businesses, Administrative practices and procedures, Responsible prospective contractors, Labor surplus areas and Recovered material.

PART 5-1—GENERAL

1. The table of contents for Subpart 5–1.3 is amended to remove § 5–1.340 and to add § 5–1.372 to read as follows:

* * * * *

5–1.340 [Reserved]
5–1.372 Government estimates (PBS procurement only).

* * * * *

2. Subpart 5–1.3 is amended to remove § 5–1.340 and to add § 5–1.372 as follows:

Subpart 5-1.3—General Policies

§ 5–1.340 [Reserved]

§ 5.1.372 Government estimates (PBS procurement only).

(a) A detailed independent Government estimate for costs for each item specified in the bid shall be prepared for each proposed contract for services (including but not limited to building services), new construction, repairs and alterations, professional services, and for each modification to contracts affecting price, anticipated to cost $10,000 or more. When the anticipated cost is less than $10,000, the contracting officer, at his or her discretion, may require the preparation of an estimate. Except as provided in paragraphs (c) and (d) of this section, access to or disclousure of the Government estimate shall be limited to Government personnel whose official duties require knowledge of the estimate.

(b) The independent Government estimate shall be sealed in an envelope and submitted to the contracting officer before the date and time for bid opening or the date for receipt of proposals.

(c) If the procurement is by formal advertising, a sealed copy of the detailed Government estimate shall be stored with the bids until bid opening. Before release of an amendment to an Invitation For Bids which may affect the bid price, a revised Government estimate shall be prepared and a sealed copy of the revised estimate shall be stored with the bids until bid opening. After the bids are read and recorded, the sealed Government estimate shall be opened and recorded on the GSA Form 3471, Bid Abstract, in the same detail as required for the bids.

(d) If the procurement is by negotiation, a sealed copy of the detailed Government estimate shall be stored with the proposals until the date the proposals are to be received. Cost figures in the Government estimate may be disclosed during negotiation, but only to the extent considered necessary for arriving at a fair and reasonable price, provided that the overall amount of the Government estimate is not disclosed prior to award. Before the release of a modification to the proposal which may affect price, a revised Government estimate shall be prepared, sealed, and stored with the proposals until amended proposals are received. After award, the independent Government estimated price may be revealed, upon request, to those firms or individuals who submitted proposals; however, the detailed contents of the estimate shall not be revealed.

(e) The detailed independent Government estimate shall be used for the purpose of evaluating bids, as a guide in conducting contract negotiations or negotiations of contract modifications, and as one of the tools for determing the fairness and reasonableness of prices.

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

Dated: August 10, 1982.

Philip G. Read,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 82-23135 Filed 8-23-82; 8:45 am]

BILLING CODE 6820-61-M

41 CFR Ch. 101

[FPMR Temp. Reg. E-74, Supp. 1]

Use Standards for Office Furniture and Furnishings

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to July 29, 1983, the expiration date of FPMR Temporary Regulation E–74, relating to use standards for office furniture and furnishings. This supplement will afford the Federal Supply Service the necessary time to incorporate this temporary regulation into the permanent regulations and a related handbook.

DATES: Effective date: August 24, 1982.

Expiration date: July 29, 1983.

FOR FURTHER INFORMATION CONTACT: Robert A. Renner, Director, Regulations Division (703–557–7990).

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

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

Appendix Amended

In 41 CFR Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter E.

Note.—Supplement 1 to FPMR Temporary Regulation E-74 is filed with the original document, and its text does not appear in this volume.

Dated: July 19, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-23044 Filed 8-23-82; 8:45 am]

BILLING CODE 6820-24-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80-170; FCC 82-357]

Modifications of the Commission's Authorized User Policy Concerning Access to the International Satellite Services of the Communications Satellite Corporations.

AGENCY: Federal Communications Commission.

ACTION: Report and Order (Policy statement).

SUMMARY: This Report and Order modifies the Commission's authorized user policy governing who may lease satellite circuits from the Communications Satellite Corporation (Comsat). The Order requires Comsat to lease International Telecommunications Satellite Consortium (INTELSAT) satellite capacity to carrier and non-carrier users at appropriate U.S. earth stations operating with INTELSAT satellites. The Order also extends to Comsat the opportunity to become an international service carrier offering end-to-end communications services; but requires it to engage in such activities through a corporate subsidiary separate from its INTELSAT operations. This action was taken to remove an unnecessary restriction upon Comsat which deprives end users of the benefit of Comsat service. The proposed rule in this proceeding was published in the **Federal Register** on May 20, 1980, 45 FR 33662.

DATE: Effective August 24, 1982.

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

FOR FURTHER INFORMATION CONTACT: John F. Copes, International Facilities Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202-632-4047).

Adopted: August 5, 1982.

Released: August 19, 1982.

In the matter of proposed modifications of the Commission's authorized user policy, concerning access to the international satellite services of the Communications Satellite Corporation, CC Docket No. 80-170.

1. By Notice of Proposed Rulemaking in *Aeronautical Radio, Inc., et al.*, 77 FCC 2d 535 (1980) (hereinafter referred to as the Notice), we instituted a proceeding to review the policy we had announced in *Authorized Entities and Authorized Users*, 4 FCC 2d 421 (1966) (hereinafter referred to as the *Authorized User* decision), *recon. granted in part*, 6 FCC 2d 593 (1967) (hereinafter *Authorized User Reconsideration*), limiting the Communications Satellite Corporation (Comsat), except in "unique or exceptional circumstances," to the role of a "common carrier's common carrier" or "carrier's carrier." In our Notice we put out for public comment a specific proposal for an amended policy and requested interested persons to suggest such alternatives and variations on the proposal as appeared to them most advantageous to the public interest.

2. In our Notice we tentatively concluded that changing circumstances had cast doubt on the continued validity of our 1966 *Authorized User* policy and that, under current conditions, the public interest would be better served by allowing Comsat to offer service directly to the public. We therefore proposed to lift the policy constraint that now limits Comsat primarily to the role of a "carrier's carrier." However, to insure that Comsat would not use its position in INTELSAT and INMARSAT to deal unfairly with its competitors, we also proposed to condition Comsat's offer of direct public services upon its implementation of the structural and accounting changes we had proposed in the *Comsat Study, Communications Satellite Corporation*, 77 FCC 2d 564 (1980). That is, we proposed to require Comsat to offer public services through a separate corporate subsidiary and to deal with all carriers, including its separate subsidiary, on just and reasonable terms.

3. We also proposed to reconsider our "composite-rate" policy—under which international rates are set by averaging cable and satellite transmission costs—to allow Comsat to file rates for service based solely on satellite-transmission costs. We sought through these changes to increase competition between the cable and satellite mediums. Finally, we proposed to remove the Commission from the role of prescribing the loading of cable and satellite facilities, and to leave that function to the operation of market forces. We stated that we believed our proposed new policy, with the safeguards we built into it, would serve the public interest and advance the goals of the Satellite Act to enhance competition and assure that users realize the economies of satellite technology.

4. In response to our Notice we received comments and reply comments from Comsat, American Telephone and Telegraph Company (AT&T) and the following international record carriers (IRCs):[1] ITT World Communications Inc. (ITTWC), RCA Global Communications, Inc. (RCAGC), TRT Telecommunications Corporation (TRT) and Western Union International, Inc. (WUI). We also received comments and reply comments from the following domestic and other U.S. carriers: American Satellite Company (ASC), Hawaiian Telephone Company (HTC), and Southern Pacific Communications Corporation (SPCC) (SPCC did not file reply comments). We also received comments and reply comments from the following U.S. governmental agencies and departments: The Department of Defense (DoD) on behalf of itself and the other federal executive agencies, the National Telecommunications and Information Administration of the Department of Commerce (NTIA) and the Department of Justice. In addition, we received comments from several large users of international communications services: Aeronautical Radio, Inc. (ARINC) (which also filed

[1] The term international record carriers refers to a group of carriers which offer telegraph and other record (non-voice) communications services. *See also* para. 11, *infra*. AT&T and the IRCs together comprise what is referred to as the United States international service carriers (USISCs).

reply comments), Societe Internationale des Telecommunications Aeronautiques (SITA) and Dow Jones and Company (Dow Jones). Finally, we received comments from the American Communications Association (ACA) and reply comments from Securities Industry Automation Corporation (SIAC).[2] The comments of the parties are summarized in an Appendix to this Report and Order.

I. Summary of Decision

5. We have decided to change our prior policy by removing the constraint limiting Comsat to the role of a carrier's carrier and to permit it to serve both carrier and non-carrier entities. We shall condition any authorization to Comsat to provide end-to-end services upon final implementation of the requirements that we impose today in a separate order in the *Comsat Structure* rulemaking, *Communications Satellite Corporation*, FCC 82-372, —— FCC 2d —— (adopted August 5, 1982). Those requirements, which essentially seek to segregate Comsat's INTELSAT/INMARSAT monopoly activities from its other regulated and unregulated activities, will facilitate the implementation of our new *Authorized User* policy by allowing us to monitor Comsat's performance and assure that it deals fairly with its competitors and customers. Consistent with our new policy, we have also decided to make our composite-rate policy discretionary and to allow all carriers either to file separate satellite and cable rates or to continue to file composite rates as they deem appropriate. We have also decided that, insofar as possible, we shall limit our role in prescribing the loading of cable and satellite facilities.

6. Our new policy will permit Comsat to serve non-carrier entities in two ways. First, it will permit non-carrier entities access to Comsat's INTELSAT basic transmission facilities. In this role Comsat will continue to operate as it does today, providing service beginning or ending at the U.S. INTELSAT earth station. However, both carriers and non-carriers will be able to deal directly with Comsat under the same terms and conditions.

7. Second, we have determined, as a matter of policy, to permit Comsat to enter the end-to-end service market through a corporate affiliate separate from its INTELSAT/INMARSAT functions. Should Comsat elect to enter this market, it will function as any other international carrier. In this role it may provide based-channel, switched or any other international service directly to end users. Prior to entering the end-user market, Comsat must obtain the necessary authorization and file tariffs as required by the Communications Act.

II. Background

8. In 1965, the year Comsat initiated commercial communications satellite service, the United States international communications industry was composed of relatively few common carriers, with a sharp separation between types of services provided by the different carriers. As a result of our *TAT-4* decision, *American Telephone and Telegraph Company*, 37 FCC 1151 (1964), the industry was divided into voice services, provided principally by AT&T, and record services, provided by the IRCs. In 1966 the principal international voice carriers were AT&T and a series of regional telephone carriers. In 1966 the voice carriers collectively earned revenues of $146.2 million, of which $116 million (or 79 per cent) was attributable to AT&T. By far the dominant service of the voice carriers in 1966 was message telecommunications service (MTS) or ordinary long-distance telephone service, accounting for approximately $106.8 million or 92 per cent of AT&T's international revenues. Of the remaining voice services, the most important was voice-grade private-line or leased-channel service.[3]

9. The second category of carriers—the IRCs—offered basically three non-voice or data services in 1966 which collectively accounted for 86.0 per cent of their revenues: public message "telegram" service (PMS) (which accounted for 39 per cent of revenues), telex,[4] (which accounted for 28.1 per cent of revenues) and a variety of leased-channel services (which accounted for 18.9 per cent of revenues). The IRCs in 1966 earned total revenues of $121.5 million, or slightly more than AT&T earned from its overseas operations. Of the five principal IRCs, three dominated the record market in 1966: RCAGC, ITTWC and WUI, who together accounted for $116.6 million or 96 per cent of total industry revenues.

10. Comsat was created under the Satellite Act as the chosen instrument of the United States government to build and operate a global communications satellite system. Although Comsat was created as a private corporation and began to plan and build the satellite system on its own, it was always intended that the resulting system would be operated on a cooperative basis by the various governments of the world. Indeed, on August 20, 1964, the United States and 10 other countries signed an Executive Agreement entitled "Agreement Establishing Interim Arrangements for a Global Communications Satellite System" (Interim Arrangements), 15 U.S.T. 1705, T.I.A.S. No. 5646, 544 U.N.T. 26, effective August 20, 1964, to form the International Telecommunications Satellite Consortium (INTELSAT) which took over from Comsat the ownership of the system then under development. Besides being the U.S. representative to INTELSAT, Comsat served under contract as Manager of the system.

11. The *Authorized User* proceeding arose under the language of the Communications Satellite Act of 1962, 47 U.S.C. 701-744 (1976), to determine the extent to which Comsat, as a matter of law, could be authorized to provide communications facilities and services to users other than communications common carriers and the extent to which, as a matter of policy, we would authorize such direct service. On May 28, 1965, Comsat filed its Tariff FCC No. 1 (now called Tariff No. 101) under which it offered satellite circuits only to "communications common carriers." In the transmittal letter acompanying its tariff, Comsat noted that it stood ready to supplement its tariff at any time we designated entities other than the existing carriers as being eligible to take service directly from Comsat. In April,

[2] On April 19, 1982, WUI filed a Motion to Supplement the Record in this proceeding by which it asked us to waive Section 1.415(d) of our Rules and Regulations, 47 CFR 1.415(d) (1981), to accept an unauthorized pleading styled "Supplemental Comments." In its Supplemental Comments, WUI seeks (1) to have us take notice of the presiding law judge's Initial Decision in *WUI v. Comsat*, CC Dockets Nos. 81-353, 354, 355 and 356, 81-D-63 (released December 10, 1981), (2) to reargue its view that the Satellite Act bars Comsat from providing service to non-carrier users and (3) an immediate grant of its request for "cost-based access" to Intelsat. On May 4, 1982, ARINC filed an Opposition to the WUI Motion and a Response to WUI's Supplemental Comments. On May 28, 1982, Comsat filed a petition for leave to respond to WUI's Supplemental Comments. We are aware of the Initial Decision in CC Dockets Nos. 81-353, *et al.*, and have it under review. With respect to WUI's other two requests, we believe that its supplement adds nothing to the views it has already expressed in this proceeding. We do not find that WUI has shown good cause to waive § 1.415(d). We shall, therefore, deny WUI's request for waiver of our Rules and dismiss its Motion and the responsive pleadings associated therewith.

[3] The terms "leased channel" and "private line" are interchangeable, both referring to provision of a dedicated transmission path between two or more specified points during a set period and available 24 hours a day for the exclusive use of the customer.

[4] Telex, also known as teletype-exchange service, refers to a customer-to-customer, switched, record service operating at 50 baud over the public telegraph network and characterized by a two-way or conversational capability. Telex was first offered between the United States and overseas points in 1949.

May and June of 1965, we received a number of specific requests from non-carrier telecommunications users for information on how they might be designated to take service from Comsat. Accordingly, on June 16, 1965, we issued a Notice of Inquiry to examine the issue on a systematic basis, but allowed Comsat to offer service to carriers pending the outcome of that proceeding.

12. After receiving comments from a number of parties, we issued our *Authorized User* decision. Briefly, we found that, as a matter of law, Comsat is not barred by the language of the Satellite Act or its legislative history from providing satellite service directly to non-carrier entities. 4 F.C.C. 2d at 436. However, we also found that it did not follow that Comsat was therefore free to engage in direct public operations without restriction. On the contrary, we concluded that "it was the intent of Congress that the Commission could authorize Comsat to afford access to the satellite system by noncarrier entities upon a proper finding that such access would serve the public interest and comport with the purposes of the Satellite Act." *Id.* at 428. We found that Congress

> did not establish rigid or detailed criteria for regulation of new and dynamic techniques of communication * * *. Rather, Congress left to the informed discretion of the Commission the establishment of the methods, procedures, and particular criteria for authorization of provision of services * * * to other carriers and the general public. *Id.* at 426 [citations omitted].

We also found that any determination as to which entities would be allowed to take service from Comsat should not be frozen for all time and that we are "to make [our] judgment [as to who may take service from Comsat] based upon an evaluation of the often changing situation and the Congressional concern with the public interest * * *." *Id.* Our 1966 order thus recognized that changing circumstances would require us to review our *Authorized User* policy to assure that it continues to advance the policy of the Satellite Act.

13. In *Authorized User* we were concerned that one carrier, AT&T, dominated the market, alone accounting for nearly 50 per cent of total overseas communications revenues. Indeed, two years earlier, in the *TAT-4 decision, supra,* we had acted to restrain AT&T because we feared that it would continue to grow until it so dominated the market that none of the other carriers could compete. In that case, in return for granting AT&T's application to build a fourth transatlantic telephone cable (TAT-4), we restricted AT&T's provision of alternate voice-data (AVD) services[5] to those specific services then offered and to the customes it then served. We noted that in the six years AT&T and the IRCs had offered competitive AVD service, the IRCs had not managed to lease any circuits. We noted that AT&T's overseas revenues were less than 1 per cent of its total revenues and that AVD service represented less than 10 percent of its overseas revenues. For the IRCs, however, we noted that record services represented 100 per cent of their revenues, and that in 1963 nearly all of that was from PMS. We also noted that virtually all of the AVD circuits in use were used for record purposes. We thus concluded that AVD service represented a serious threat to the IRCs' business, but that AT&T would not feel the loss of AVD revenues. We thus limited AT&T to the number of AVD circuits it then had in service and directed it to sell circuits in its cables to the IRCs for their use in providing AVD service.

14. We noted in the *Authorized User* decision that in the two years that followed our *TAT-4* decision, the IRCs had managed to lease 200 voice-grade leased-channels (of which 179 were leased to U.S. government agencies) and 400 telegraph-grade (of which 68 were leased to the government) and that such service appeared to be the fastest-growing segment of their business. We thus were concerned, as we had been in 1964, that a threat to the IRCs' leased-channel revenues might be a threat to their continued viability. We regarded Comsat's offering of leased channels directly to users as such a threat. We were aware that Comsat, as the sole U.S. representative in INTELSAT, was the only carrier at that time with access to satellite circuits. We also believed that satellite circuits would be so much cheaper than cable circuits that whoever offered satellite-based leased channels would capture virtually all the leased-channel market. We therefore concluded that it would be unfair to allow Comsat, on whom the carriers were dependent for satellite circuits, to compete with them for leased-channel customers.

15. We noted further, that Comsat had never proposed to offer any service other than leased channels and that its offer of direct service would, therefore, be of benefit only to a small portion of overseas communications users. We anticipated that if Comsat were able to lure away the IRCs existing leased-channel customers, the IRCs would be forced to transfer their idled, expensive cable circuits to other services such as telex and PMS and that that might well cause an increase in the rates for those services. We therefore found that allowing Comsat to offer leased-channel services directly to users would "siphon" off the most profitable parts of the IRCs' business and would thus benefit only those few customers with enough traffic to justify the cost of such a circuit to the detriment of the vast majority of users. Such a result, we believed, would be undersirable and would frustrate the policy of the Satellite Act to extend the economies of satellite technology to all users.

16. We thus concluded that we could best fulfill our obligations under the Satellite Act by adopting a policy which generally limited Comsat to the role of a carrier's carrier, providing service directly to end users only in "unique or exceptional circumstances." 4 FCC 2d at 435. We did not set forth any specific procedures for dealing with requests by Comsat to provide direct service. Rather, we indicated that we would view authorization of direct service as an exception to the rule which we would address on a case-by-case basis. However, we did indicate some circumstances where we might look favorably upon a Comsat request for such authority. For example, we noted that service to the public might be justified by "a refusal or failure of the terrestrial carriers to provide, upon reasonable demand, satellite leased channel facilities." *Id.* We also noted that we wished to promote the development of the satellite medium and that under appropriate circumstances we would authorize Comsat to offer new, satellite-based services which would advance those goals. Finally, although we noted that the decision to grant exceptions to the carrier's carrier policy was dependent upon the nature of the service rather than the identity of the potential customer, we acknowledged that the U.S. government has a special status under the Satellite Act which we must take into consideration in acting upon requests from Comsat for authority to offer service directly to an agency of the government. *Id.* at 430.[6]

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[5] AVD service refers to the provision of a voice-grade leased channel which the customer may use alternatively for the transmission of voice or data communications. AVD has become the most important of the leased-channel services.

[6] We found, however, that unlimited dealings between Comsat and the government would likely do severe harm to the terrestrial carriers and was, therefore, not consistent with the overall purpose of the Satellite Act to maintain competition among the carriers. We concluded that the government could get service from Comsat whenever its unique national-interest needs could not be met effectively under the carrier's carrier approach. 4 FCC 2d at 431.

17. Even though we believed Comsat should be limited in its direct operations, we were aware that our policy would neutralize competition between cable and satellite transmission and that this might have certain drawbacks. We were particularly concerned that the carrier's carrier approach might not assure realization of the admonition in the Satellite Act that users enjoy the "economic benefits" (*i.e.*, lower costs) of satellite circuits. We were troubled that our policy might not give the carriers an incentive fully to exploit the satellite medium or to pass the lower costs through to their customers and that the end users might, therefore, not receive the benefit of the substantially lower costs we expected from satellite communications. To assure that this did not happen, we ordered the existing carriers to review their tariffs and to file reductions in charges for all leased-channel services which would reflect their satellite savings. We noted that, in the early years, satellite service would not be available to all overseas points, but that implementation of the *Authorized User* policy would reduce the costs of service and allow carriers to "reduce charges to many points to which satellite circuits are not [in 1966] available." *Id.* at 435.

18. On reconsideration, *Authorized User Reconsideration, supra.*, we generally affirmed our initial policy statement with one minor adjustment. The General Services Administration had argued that the Satellite Act intended to allow the Government to take service from Comsat without restriction. On reconsideration, we affirmed our initial policy determination that the government occupies a special position because of its unique defense and governmental roles. Our reconsideration order, however, made clear that the Director of Telecommunications Management (DTM) (now, the Assistant Secretary of Commerce, National Telecommunications and Information Administration), as the official in the Executive Branch responsible for overseeing the government's use of telecommunications, would be the "focal point" for our inquiry into the conditions under which Comsat should offer service directly to the government. 6 FCC 2d at 594.

19. Thus, while we acknowleged that the government's use of Comsat's services would be determined by the requirements of the national interest, and recognized that such determinations were peculiarly the responsibility of the Executive Branch (DTM), we again declined to permit unrestricted direct dealings between Comsat and the government. We based our decision on the fact that the government was the largest user of leased-channel services and that permitting the government to deal directly with Comsat would weaken the existing carriers. Rather, we stated that the government's use of Comsat satellite services would be governed by the "national interest" as defined in the first instance by the DTM, and therefore waived the general procedural showings applicable to other non-carrier users we had set forth in our 1966 policy. *See id.* at 594–5. *See also* 4 FCC 2d at 436. That is, in the case of the Government, we would not require Comsat to show that service was not available from other carriers or that there were unique and exceptional circumstances.

20. We otherwise denied attempts to expand or contract our original policy determinations. Comsat had requested us to specify the situations where we would allow it to offer service directly to the public. Comsat was concerned that the carrier's carrier requirement—and particularly what it referred to as our "composite rate"[7] policy—would so thoroughly integrate satellites and cables that the carriers would have no incentive to promote the satellite medium or services that could be offered only by means of satellite. For this reason, it sought assurance that we would allow it to introduce and market satellite services if the other carriers delayed. While we recognized Comsat's concern, we adhered to our basic carrier's carrier policy. We thus decided to retain the carrier's carrier approach and composite rates—but stated that we did not believe rate compositing would prevent a carrier from filing a cable-only or satellite-only rate where a service could be provided only by means of one medium.[8]

21. Our *Authorized User* policy has remained in effect since 1966. During this period, Comsat has provided U.S. communications common carriers a variety of international satellite-transmission services. Comsat's primary role has been as a provider of INTELSAT satellite transmission capacity to other carriers. Comsat's tariff covers the provision of a satellite half circuit[9] between a U.S. earth station and the INTELSAT satellite. Comsat's service may be further broken down into what is known as the space segment, which Comsat obtains from INTELSAT, and the earth station segment, which refers to use of an appropriate U.S. earth station. To complete the communications link, the carrier must make its own arrangements with a U.S. domestic carrier for connecting circuits between the earth station and the carrier's operating center and with a foreign telecommunications entity for the foreign satellite half circuit and any necessary connecting links within that country.

22. In recent years, we have begun to reconsider our prior policies. In 1978, for example, we had occasion to review the policy under which Comsat has provided international satellite television-transmission service in the so-called *SIN* proceeding. *Spanish International Network, Inc.*, 70 FCC 2d 2127 (1978), *appeal pending sub nom. ITT Worldcom v. FCC*, Case No. 79–1046 (D.C. Cir., filed January 12, 1979) (hereinafter *SIN*). SIN, a television network which purchases Spanish-language television programming from abroad for distribution to affiliated U.S. television stations is a relative large user of INTELSAT television transmission service. SIN objected to our so-called "carrier of the week policy" under which INTELSAT television service was offered in the U.S. by AT&T and several of the international record carriers (IRCs) on a rotational basis.[10] SIN asserted that the

[7] Our 1966 order, *see* para. 17, *supra*, had not used the term "composite rates." Rather, we directed the carriers to reflect the cost savings of satellite service on all routes, whether or not satellite service was available on a particular route. The carriers and Comsat had interpreted our order as requiring them to take an average of the costs of cable circuits and satellite circuits and to tariff the resulting "composite" rate.

[8] The policy of composite rates became firmly fixed later that year in the so-called 30 Circuits Case, ITT World Communications Inc., *et al.*, 6 FCC 2d 511 (1967). In that case Comsat and the IRCs had sought to provide DOD leased-channel service in the Pacific. Comsat had bid a monthly half-circuit rate less than one half that of the IRCs' ($4,200 vs. $10,000). We denied Comsat permanent authority to provide the service. Instead, we authorized ITTWC, RCAGC, WUI and HTC to provide the 30 circuits and ordered them to file a "composite" of cable and satellite rates of $7,100 per month.

[9] A half circuit is a two-way communications link between an earth station and an INTELSAT satellite. To obtain a full circuit, one combines a half circuit from one earth station with a half circuit from any other earth station operating with the same satellite.

[10] The carrier of the week arrangement derived from a decision we made in 1965 when we first considered applications by the carriers to use the Early Bird satellite. American Telephone and Telegraph Co., *et al.*, 38 FCC 1315. ITTWC had argued that AT&T should not be allowed to provide television service, which it felt was a record service barred to AT&T under our TAT–4 decision. *See* 37 FCC 1151 (1964). We decided that until we could consider ITTWC's arguments we would allow all the applicants, including AT&T, to provide service on a rotational basis. Later, we allowed the arrangements to continue because they appeared to allow good-quality service.

carriers add nothing to television service and that requiring their interposition merely increased its cost to users.

23. SIN argued that television service, which can at present be offered internationally only by means of satellite, represents a "unique or exceptional circumstance" within the meaning of our 1966 *Authorized User* policy and therefore requested designation as an authorized user to take service directly from Comsat. We held, however, that television service was not "unique" as we had used the term in our policy, since the carriers had quite successfully been offering the service since 1966. We did find, however, that SIN had made a sufficient showing for us to undertake a rulemaking to examine whether we ought to waive our unique and exceptional circumstances test as it applies to television-transmission service. *See Spanish International Network,* Notice of Proposed Rulemaking, FCC 78–515, 43 FR 33, 943 (released July 31, 1978).

24. After receiving comments in that rulemaking from a variety of interested persons, we concluded that the time had come to end our carrier of the week policy and to place those wishing to provide international television-transmission service into competition. 70 FCC 2d 2127. We also decided to allow Comsat to provide television service directly. In reaching our conclusion, we noted our finding in *Authorized User* that the Satellite Act does not bar Comsat from providing service to non-carrier users. We also noted the broad discretion the Satellite Act grants us to decide the scope of Comstat's operations. In the exercise of our discretion, we concluded that television service was an area where the public interest would be served by allowing Comsat to provide direct service. *Id.* at 2148. In taking that action, we questioned the validity of the assumption underlying our 1966 *Authorized User* policy that Comsat was intended primarily to be a carrier's carrier, noting that nothing in the Satellite Act requires such a holding, but concluded that we did not need to reach that question in the *SIN* case since our modified policy there was limited to one service. *See id.* at 2135.

25. On October 25, 1979, ARINC, and on December 5, 1979, the Secretary of Defense on behalf of DOD and other federal agencies filed Petitions for Declaratory Ruling or Rulemaking requesting us to designate the respective petitioners as authorized users under our 1966 policy so that they would be eligible to obtain satellite service directly from Comsat. As a non-carrier user,[11] ARINC sought designation as an authorized user on the grounds that the services it provides the airlines are so exceptional or unique that they must be tailored to meet the needs of the particular customer; that its service cannot be adequately provided within the terms and conditions of the carriers' general public tariff offerings; and that, irrespective of exceptional circumstances, allowing it to take service directly from Comsat would serve the public interest and improve the international communications industry by injecting an additional competitive force such as we approved in our *SIN* decision. DOD sought a determination that DOD and other governmental agencies are eligible under the Satellite Act to take service from Comsat without limitation and restriction and that our 1966 *Authorized User* policy limiting direct service to unique national-interest situations was a misreading of Congressional intent.

26. We received extensive comments from interested persons both in favor of and in opposition to the requested relief. After reviewing the comments, we concluded not to rule on the petitions. While we expressed no opinion on the merits of the parties' arguments we found the procedural device of a declaratory ruling too narrow to serve as a vehicle for what we felt was a much broader question. As a result, we concluded that the best course would be to dismiss without prejudice the DoD and ARINC Petitions for Declaratory Ruling and to grant ARINC's alternative request to institute a rulemaking.

27. In taking this action, we made it clear that our dismissal was not intended to indicate that we regarded the issues raised by the ARINC and DoD petitions as unimportant. We merely found that they were too broad, and their implications too far-reaching to be disposed of in an *ad hoc* review of the petitions. We noted that we had become increasingly convinced in recent years that the time had come for a comprehensive review of our 1966 *Authorized User* policy. Further, we noted that underlying the ARINC and DoD requests were more general questions of Comsat's authority to deal directly with particular classes of potential users and the eligibility of the international carriers to deal directly with INTELSAT and that those issues should be included in our policy review.[12]

28. Accordingly, on April 22, 1980, we adopted the Notice in this proceeding. In that Notice we tentatively concluded that the economic conditions in the international market which had prompted our restrictive policy in 1966 have changed and that we can better advance the goals of the Satellite Act by allowing Comsat to deal directly with end users. We noted that our 1966 *Authorized User* decision had found that the Satellite Act permits Comsat to provide service to users other than carriers and that our decision to limit Comsat to the role of a carrier's carrier was a policy decision. We hoped through our proposed new policy to add an experienced and well financed carrier to the international market so as to increase customer choice and assure that rates for international services accurately reflect any cost savings attributable to satellite transmission. We also noted that introducing Comsat as a competitor would increase competition between the cable and satellite mediums. We hoped that this would give Comsat a stronger incentive to keep satellite rates low and to introduce service innovations. However, because we recognized that we must not allow Comsat to misuse its position in INTELSAT and INMARSAT to the detriment of its competitors, we proposed to require Comsat to restructure its operations and to provide public services through a separate corporate subsidiary.

29. We found in our 1980 Notice that Congress in the Satellite Act gave this Commission wide discretion to decide who would deal directly with Comsat and that our proposal to increase competition in the international market fell within that discretion. Since the release of our Notice, Congress enacted the Record Carrier Competition Act of 1981 (RCCA), P.L. 97–130, 95 Stat. 1687 (enacted December 29, 1981), to amend

[11] ARINC is a joint venture of the air-transport industry organized to provide its member airlines' communications needs on a not-for-profit basis. Because of its non-profit status and the fact that the services it provides are limited to the business communications of its members, we have treated ARINC as a user group rather than a common carrier. ARINC, therefore, would not generally be eligible to be designated an authorized user under our 1966 policy.

[12] *See, e.g.* Western Union International, Inc., Petition for Declaratory Ruling seeking "cost-based access" to INTELSAT, File No. I–S–P–7, filed June 9, 1980. We also indicated in our Notice herein that we wished to review our policy on the ownership and operation of U.S. earth stations. We stated, however, that we would not include the earth-station question in our *Authorized User* policy review but would institute an appropriate separate proceeding. We have today, in a companion order initiated a comprehensive review of our earth station ownership policy, including specific proposals for modification which have been proposed by various interested parties. *See* para. 102, *infra*, and our Notice of Proposed Rulemaking in Earth Station Ownership, FCC 82–373, —— FCC 2d ——, (adopted August 5, 1982).

Section 222 of the Communications Act. In that Act, Congress instructed us to "promote the development of fully competitive domestic and international markets in the provision of record communications service and facilities (including terminal equipment) the variety and price of which are governed by a fully competitive marketplace." *Id.* We believe the change in our 1966 *Authorized User* policy we adopt today is not only permitted under the language of the 1962 Satellite Act, but that it is also consistent with this congressional policy in favor of competition enunciated in the RCCA.

III. Discussion

30. After reviewing the comments of the parties and the other information before us, we have decided to make final the authorized-user policy proposed in our Notice in this proceeding. This conclusion follows a thorough analysis of our 1966 decision, the results of that decision and the current structure of the industry. As a result of this review, we are now convinced that our current policy no longer serves the public interest. Our decision in 1966 to restrict Comsat primarily to the role of a carrier's carrier was a policy decision based on our view of the facts then pertaining in the international communications industry. However justified that policy may have been at the time, we believe it is now too restrictive and unreasonably denies the public the benefit of Comsat's service and expertise.

31. We conclude that the public interest will now be better served by relaxing the prior, artifical restraints on Comsat in two respects: (1) We shall allow non-carrier users to lease basic satellite transmission capacity directly from Comsat at an appropriate earth station under terms and conditions identical to those applicable to carrier users and (2) we shall allow Comsat, through a corporate subsidiary separate from the unit that carries on its INTELSAT/INMARSAT functions, to become an international communications carrier to provide end-to-end service. We shall also grant carriers discretion to file separate satellite-only or cable-only tariff charges for any service, or to continue to composite their satellite and cable costs in setting their rates.

32. Our decision today is part of an overall review of our international policies which we began in 1979.[13] As part of this review, we are also today initiating two inquiries that focus on other aspects of the structure of the U.S. international satellite system. In these inquiries we shall address our earth-station-ownership policy and the conditions under which carriers other than Comsat may have access to the INTELSAT space segment. We also have pending a rulemaking reviewing our 1964 policy decision restricting AT&T's international operations to voice services. *See Overseas Communications Services,* 84 FCC 2d 622 (1980). In each of these cases we are addressing a similar issue: should we remove existing restrictions on the use of, or access to, basic facilities. In the case of our current *Authorized User* restrictions, we believe there is a compelling case that they be removed. As with all our agency rules, where we cannot find a need for their perpetuation, we shall remove them. Indeed, we have a public interest obligation to do so.

33. Several of the parties filing comments in this proceeding suggest that the *Authorized User* policy has, but virtue of the fact that it has continued in existence for 16 years, acquired additional legitimacy. The length of time a policy remains in effect does not confer additional status to it. A policy remains valid only so long as the reasons for its promulgation remain. Indeed, we have an affirmative duty to re-examine our policies in light of changed circumstances to determine whether they still further the public interest. *See Geller v. FCC,* 610 F.2d 973 (D.C. Cir. 1979). As we noted in our Notice of Proposed Rulemaking in *Domestic Satellite Earth Stations,* 81 FCC 2d 304, 311 (1980): "The Commission's assessment of how the public interest will be served can change with time and changed circumstances may, in fact, necessitate an altered regulatory response." We believe the time has come for a new regulatory response in the international satellite-communications market.

A. Legal Issues

34. In response to our Notice, the IRCs and AT&T argue that the Satellite Act does not permit us to authorize Comsat to serve non-carriers directly. We do not agree. There is no language in the Satellite Act which purports to bar Comsat from providing service to non-carrier users or that limits it to the role of a carrier's carrier. Indeed, as we found in 1966, the statute expressly allows Comsat to offer service to users other than carriers. Section 305 of the Satellite Act, in setting out the powers of the satellite corporation (Comsat), states that Comsat is authorized to furnish channels of communication to "United States communications common carriers and to other authorized entities, foreign and domestic * * *." 47 U.S.C. 735(a)(2) (1970). From this language alone, it is clear that Comsat may offer service to entities other than carriers. Section 305 itself elaborates on the question, in subsection 305(b)(4), where it states that Comsat is authorized to "contract with authorized users, including the United States Government, for the services of the communications satellite system * * *." 47 U.S.C. 735(b)(4). It is therefore clear that Comsat may provide service to non-carriers such as the U.S. government. In more general terms, in connection with setting out the reasons Congress elected to create Comsat, Section 102(c) of the Satellite Act states that "[i]t is the intent of Congress that all authorized users have nondiscriminatory access to the [satellite] system * * *." 47 U.S.C. 701(c).

35. We thus believe it is clear from the plain language of the Satellite Act that Congress did not bar Comsat from providing service directly to end users. The carriers do not make clear why they believe we should read the terms "users" and "entities" as synonymous with "carriers"; they simply assert that the Satellite Act permits Comsat to serve only carriers. We note that we considered, and rejected, the same argument in our original *Authorized User* decision. *See* 4 FCC 2d at 423–4. AT&T had there argued that the term "entities" was used to describe foreign governmental or private telecommunications providers we might license to operate in the United States. We, however, noted that there was no reason why those entities would not fall within the scope of the term "carriers." Further, we noted that AT&T's argument ignores the fact that Section 305(b)(4) of the statute plainly authorizes Comsat to serve the U.S. government, a non-carrier, and that we are permitted to authorize other entities foreign and domestic as well. The fact that the Act does not contain an express prohibition on Comsat public operations and does not

[13] *See, e.g.,* American Telephone and Telegraph Company (DATAPHONE*), 75 FCC 2d 682 (1980), Western Union International, Inc., *et al.,* (Datel), 76 FCC 2d 166 (1980), *both aff'd sub nom.* WUI v. FCC, 673 F. 2d 539 (D.C. Cir. 1982), International Record Carriers' Scope of Operations (Gateway Expansion), 76 FCC 2d 115 (Docket No. 19660) (1980), Interface of International and Domestic Telex and TWX Networks (International Telex Interconnection/Unbundling), 76 FCC 2d 61 (Docket No. 21005) (1980), *both aff'd sub nom.* Western Union Telegraph Co. v. FCC, 665 F. 2d 1126 (D.C. Cir. 1981), Regulatory Policies Concerning Resale and Shared Use of International Communications Services (TAT–4 Policy Review) (Notice of Proposed Rulemaking), 84 FCC 2d 622 (CC Docket No. 80–632) (1980).

define "authorized users" and "authorized entities" does not suggest, as some parties have argued, an unspecified "intent" of Congress to limit Comsat to the role of a carrier's carrier. On the contrary, the failure of the Satellite Act to provide specific definitions for the terms "entity" or "user," would merely suggest that Congress intended that these terms be given their ordinary meaning.

36. One aspect of the statutory scheme of the Satellite Act which has perhaps caused some confusion is the requirement that customers (whether carriers, entities or users) desiring to take service from Comsat be "authorized" to do so. *See* 47 U.S.C. 735(a)(2), 735(b)(4) and 702(c). We do not believe that the statute's reference to "authorized" users itself prevents Comsat from offering service to non-carriers—since even carriers must be "authorized" to take service from Comsat. *See* 47 U.S.C. 702(7). We found in 1966 that the word refers to authorization by this Commission and that the authorization requirement simply requires us to make an affirmative finding that authorization of direct service will serve the public interest and comport with the purposes of the Satellite Act. We further held in 1966 that we could make such an affirmative finding on the basis of an *ad hoc* review. The parties do not seriously challenge the validity of *ad hoc* review, as we believe they reasonably cannot. The very use in the statute of the term "authorized" clearly presupposes that someone is to make a judgment as to which users are to be "authorized," and in this case that "someone" is clearly this Commission. Once one acknowledges that the Commission may authorize non-carrier users to take service from Comsat in "unique or exceptional" circumstances, it follows that we can broaden that authorization to include whole classes of users. It is settled law that regulatory agencies have the authority to replace *ad hoc* adjudications by a broad rulemaking proceeding. *See United States v. Florida East Coast Railway*, 410 U.S. 224 (1973). The rule we announce today constitutes an affirmative finding that direct, public operations by Comsat will serve the public interest and comport with the purposes of the Satellite Act.

37. Some parties have argued that an intent to treat Comsat as a carrier's carrier is evidenced by a speech given by Senator John O. Pastore, one of the floor managers of the bill which eventually became the Satellite Act.

38. In this speech Senator Pastore stated:

"I have heard references by some to competition between air and ground transportation, between land and water transportation, and between bus and rail transportation. But these are each competing in the same market, in service directly to the public. The satellite corporation and the carriers will not be competing in the same market. No one, either the proponents of H.R. 11040 or the advocates of Government ownership, has proposed that the satellite entity should go into competition with the existing carriers in serving the general public directly. To the contrary the satellite corporation under H.R. 11040 will serve mainly the carriers. Even the Government corporation contemplated by the substitute measure offered by Senator Kefauver would likewise serve the carriers."

Let me repeat these simple but all-important facts. The market to be served by the corporation consists of the carriers who will use its facilities. The market to be served by the carrier will be the senders and recipients of communications traffic. The corporation will depend upon the carriers for its revenues; the carriers will depend upon the corporation for facilities. Thus, this will not be a situation in which one enterprise is motivated to control another enterprise in order to stifle competition, to the public detriment. On the contrary, the interest of the carriers will lie in promoting the success of the corporation, thereby promoting their own success, with resulting benefits to the public. 108 Cong. Rec. 16920 (August 17, 1962).

39. In order properly to interpret Senator Pastore's remarks it is important that they be understood in context. Senator Pastore was speaking in defense of a proposal to limit ownership of 50 percent of Comsat's stock to the carriers. The ownership of the proposed satellite corporation had been controversial with some members of Congress supporting public stock ownership, some favoring limiting ownership to the international carriers as a means to protect their cable investments and some even favoring government ownership.[14] As a compromise, the bill which eventually became the Satellite Act, and to which Senator Pastore's remarks were addressed, provided for mixed public and carrier ownership. Senator Pastore was thus seeking to allay fears of the critics of carrier ownership that such ownership would give the carriers a strong incentive to stifle development of the satellite system. To counteract this concern Senator Pastore noted that the satellite facilities would be of use mainly to the carriers and that they would thus generally supplement rather than compete with the carrier's cable investment. As a result, because of their ownership, Senator Pastore believed the carriers would benefit from the success of the satellite medium and would not seek to undercut it.

40. Although the language used by Senator Pastore is somewhat ambiguous, we do not believe that he meant to suggest that the Satellite Act prohibited Comsat from providing direct service to noncarriers. As we noted in 1966, Senator Pastore said that Comsat would serve "mainly" the carriers. He did not say it would serve exclusively the carriers; nor did he refer to Comsat as a carrier's carrier. That he did not regard Comsat as so limited is evidenced by the fact that in reporting the Senate version of the Satellite Act bill, Senator Pastore stated that the proposed legislation provided for Comsat to make circuits available to carriers but that "[p]rovision is also made [in the bill] whereby [Comsat] may furnish channels for hire to other authorized entities * * *." S. Rep. No. 1584, 87th Cong., 2d Sess. 10–11 (1962). In view of the clear statutory language, Senator Pastore's familiarity with the statute and his earlier statement that Comsat would be allowed to provide service to entities other than carriers, we believe his remarks cannot reasonably be read to suggest that Comsat must be treated solely as a carrier's carrier.[15] In any case, regardless of Senator Pastore's intent, his remarks cannot prevail if they are read in contradiction to the express statutory language authorizing Comsat to serve both carriers and non-carriers. As we pointed out in the Notice, 77 FCC 2d at 548, we need not resort to the legislative history for an indication of Congressional intent where such intent is manifested by the unambiguous language of the statute itself. *See, e.g., Ernst and Ernst v. Hochfelder*, 425 U.S. 185 (1976), *Tennessee Valley Authority v. Hill*, 437 U.S. 153 (1978), *KCMC, Inc. v. FCC* 600 F. 2d 546, 549 (5th Cir. 1979). *But see Portland Cement Ass'n v.*

[14] For a discussion of the various proposed bills and their provisions see S. Rep. No. 1319, 87th Cong., 2d Sess. (1962), S. Rep. No. 1584, 87th Cong., 2d Sess. (1962). *See also* S. Rep. No. 1873, 87th Cong., 2d Sess. (1962).

[15] We stated in the Notice in this proceeding, 77 FCC 2d at 549, that at the time of Senator Pastore's speech he "presumably knew that the satellite bill did not expressly provide for Comsat to serve mainly the carriers. He also presumably knew that the bill empowered the Commission with broad discretion to authorize access. In addressing that discretion, Senator Pastore wanted to signal the Commission to limit non-carrier access to Comsat as long as certain conditions existed. For example, Senator Pastore did not want Comsat competing directly with the carriers because these carriers might become (and eventually did become) shareholders to Comsat. Senator Pastore was concerned that, if Comsat were allowed to compete directly, the carriers might be motivated to monopolize and control access to Comsat's space segment, thus suppressing marketplace competition and the development of a new technology."

Ruckelshaus 486 F. 2d 375 (D.C. Cir. 1973).

41. The issue of Comsat's ability to serve non-carriers was raised and specifically considered by Congress and those who drafted the Satellite Act. Thus, this Commission on at least two occasions informed Congress that in our view the language of the Satellite Act would allow Comsat to provide service to the public and unsuccessfully sought to persuade Congress to amend the language to impose a ban on such operations. In October of 1961 we recommended to the National Space Council, the body charged by the Kennedy Administration with the task of drafting communications satellite legislation, that the legislation expressly limit Comsat to the role of a carrier's carrier. The Space Council declined our recommendation on the grounds that it was inconsistent with President Kennedy's statement of satellite policy that a satellite corporation be created to furnish for hire "channels of communications to authorized users, including the U.S. Government." *See* Statement of the President on Communications Policy, released July 24, 1961, reprinted in S. Rep. No. 1584, *supra*, at 25.

42. Thereafter, on February 28, 1962, Commission Chairman Newton Minow, testifying before the Senate Committee considering the Satellite Act, repeated the Commission's warning and unsuccessfully proposed that Congress amend S. 2814 to delete the language allowing Comsat to serve authorized entities and to include language restricting Comsat to the role of a carrier's carrier.[16] Congress, however, failed to adopt Chairman Minow's recommendation—although the version of the legislation finally enacted did provide for mixed carrier and public ownership of Comsat. The provisions allowing Comsat to offer service alike to carriers and authorized users however, survived unchanged. While the failure of Congress to enact Chairman Minow's proposal does not necessarily mean that it desired Comsat to have authority to engage in unrestricted public operations, it is clear that Congress did not want expressly to forbid such operations, but rather, wanted to leave the question of the scope of Comsat's operations open for determination by the Commission. This purpose has clearly been accomplished by the unambiguous language of the Satellite Act itself.

B. Policy Analysis—Authorized User, Changed Circumstances, and the Potential Impact on the IRCs

43. As we have already noted, our *Authorized User* decision allowed non-carriers to take service directly from Comsat only under "unique or exceptional" circumstances. In reaching our basic policy determination to limit competition between Comsat and the other carriers providing international service, we were primarily concerned with the possible harm that such competition would cause the existing carriers—particularly the IRCs—and the effect that a weakening of the carriers might have on the rates and service they provided the general public. We reasoned that conventional carriers—with their high-cost cable facilities—would not be able to compete with Comsat in the provision of leased channel services, that the predictable loss of a "substantial share" of their leased-channel traffic would seriously reduce the IRCs' operating revenues and that such losses would either weaken them to the point where they could no longer provide adequate service or would, at least, require that their rates for switched message services, such as telegram, telex, TWX and, perhaps, MTS, would have to be raised to make up for the leased-channel revenues lost as a result of competition. Since "only a very small part of the using public using international communications facilities ha[s] sufficient traffic to justify or require leased circuit facilities," we reasoned that allowing customers who take service directly from Comsat would mean that the new satellite technology would be used "for the apparent benefit of a few large users" to the "detriment [of] the vast majority of users." 4 FCC 2d at 432–3.

44. Whatever the validity of our concerns sixteen years ago, they have been largely eroded by changing circumstances. Economic conditions facing international carriers have undergone a drastic transformation since that time. Traffic volumes for all international services have increased geometrically and the international communications market has experienced, and continues to experience, rapid development both in terms of the growth of traditional services and in the appearance of new services. Indeed, the international market is exhibiting much the same kind of growth that we are experiencing in the domestic market. Although the international communications market is still considerably smaller than the domestic U.S. market, it has become an important part of U.S. commercial activity.

45. As an example of this transformation, AT&T's overseas revenues have grown from $94 million in 1966 (of which 90 percent was due to MTS and 10 percent to leased channels) to $1.5 billion in 1980 (of which more than 99 percent was due to MTS and less than one percent to leased channels). Similarly, revenues for all other overseas telephone carriers have grown from $23 million in 1965 to over $100 million today. Assuming proper safeguards, a matter which we shall discuss below, there can be no question about the ability of AT&T and the other telephone companies to compete directly with Comsat for overseas leased channel and other traffic.[17]

46. Traffic and revenues for the IRCs—the primary focus of our concerns in the *Authorized User* decision as well as in the *Notice* in this proceeding, 77 FCC 2d at 543—have also shown significant increases. IRC revenues were only $121.5 million in 1966. By 1981 they had grown approximately five-fold to $578 million. In 1966 we were concerned about the apparent importance to the IRCs of leased-channel revenues and the damage the loss of any part of them might cause. However, in 1976, the four IRCs included in our Audit Report in Docket No. 20278 had rates of return of leased-channel services ranging from −3.3 per cent to 5.6 per cent.[18] Of their

[16] *See* Proposed Communications Satellite Legislation: Hearings on S. 2650 and S. 2814, *supra*., at 204–10 and 470–1. On March 14, 1962, Chairman Minow repeated his recommendations in testimony before the House Committee on Interstate and Foreign Commerce, which was considering H.R. 1011—the House version of S. 2814—which also provided for Comsat to serve "authorized entities." *See* Proposed Communications Satellite Legislation: Hearings on H.R. 10115 and 10138 Before the House Comm. on Interstate and Foreign Commerce, 87th Cong., 2d Sess. 401–8 (1962). Chairman Minow again repeated his views in further testimony before the Senate Commerce Committee. Hearings on S. 2814 and S. 2814 Amendment Before the Senate Comm. on Commerce, 87th Cong., 2d Sess. 62–71 (1962). Although Congress adopted language, *see* 47 U.S.C. 721(c)(ii), passed by Chairman Minow to give the Commission discretion in regulatory access to Comsat, *see* Hearings on S. 2650 and S. 2814, *supra*., at 67–8 and 115–6, it otherwise rejected all of his proposals to include language specifically restricting Comsat to the role of a carrier's carrier.

[17] AT&T's comments in this proceeding did not directly oppose Comsat's provision of services to the public; it concentrated rather on structural and other changes which it feels must accompany broadened authority for Comsat to control against potential abuses. Although HTC did file comments suggesting substantial revenue diversion, it made no real attempt to quantify such diversion and provided no convincing evidence that such diversion would actually occur or that it would impair HTC's ability to provide services to the public.

[18] *See* Preliminary Audit and Study of International Carriers, 75 FCC 2d 726 (1980) releasing Report of Common Carrier Bureau Staff on Results of Preliminary Audits and Analysis of the Cost Studies for Docket No. 20778 (Audit Report), Table 9, p. 29, FCC 79–840, released January 29, 1980. *See also* Audit Report Tables 12 and 13, pp.

total net income of $48.9 million, only $3.6 million was attributable to leased-channel services.[19] In sharp contrast, between 1966 and the present telex revenues increased thirteen fold. In that same year telex provided about 62 per cent of the IRCs' revenues and showed a rate of return ranging from 31.7 per cent to 58.3 per cent.[20] Telex has thus become the major source of the IRCs' revenues and profits, while the relative importance of leased channels has substantially decreased in the sixteen years since the *Authorized User* decision.

47. In addition, the government's role as a customer for leased-channel services has decreased markedly during the same period. In 1965 the government leased 179 of the approximately 200 voice-grade leased channels serving overseas points. This was the equivalent of about 90 per cent of the leased channels and accounted for 70 per cent of leased-channel revenues. By 1978, however, government accounted for less than one-third of the IRCs' leased-channel revenues.

48. Another factual assumption on which we based our 1966 policy has also changed: the relative costs of cable and satellite circuits. In our *Authorized User* decision, we assumed that satellite circuits were and would remain substantially less expensive than cable circuits. Indeed, cable circuits in 1966 were quite expensive. For example, a circuit in the then newest long-haul cable (TAT-4) had a capital cost of approximately $393,000. The satellite certainly appeared likely in 1966 to yield circuits with a much lower cost. However, what we failed adequately to grasp in 1966 was that technological advances would greatly expand the capacity of cables and reduce their per-circuit costs. For example, the most recent transatlantic telephone cable we authorized (TAT-7) had a capacity of 4200 voice-grade circuits and a per-circuit cost of approximately $46,000. *See American Telephone and Telegraph Co., et al.*, 73 FCC 2d 248, 257 (1979). Further, the initial projections for the fiber-optic cable under development for the Atlantic show a base capacity of 12,000 voice-grade circuits and a per-circuit capital cost of $15,000 to $19,000, depending upon the configuration ultimately selected. *See* cost data filed in response to Notice of Inquiry in *Overseas Communications*, 73 FCC 2d 193 (1979).[21]

49. As a result of these and other developments, cables and satellites have become much more cost competitive than we believed possible in 1966—indeed, it now appears there may be a number of routes where cables may be more economical than satellites. It is thus no longer clear that were we to allow Comsat to provide service directly to the public that the IRCs would lose all their leased-channel customers, since they can provide competitive service to many points by cable, or that the loss of some leased-channel revenues would have a devastating impact upon the IRCs.

50. Other important changes have occurred since 1966. We have acted recently to change the nature of the international market. In 1966 the IRCs were limited to international operations from a few U.S. domestic and foreign points of operation. The IRCs now have an unlimited opportunity to provide international service from any point in the United States. They now also have authority to serve the U.S. domestic market as well. As a result, one major market segmentation that we earlier mentioned as a characteristic of the international market has been eliminated.

51. The elimination of the dichotomy between the domestic and international communications markets is part of the overall policy we have followed in recent years to remove artificial barriers to the entry of potential competitors and to relax policies which unduly interfere with the free play of competitive forces. Experience in the international communications market, as well as our observation of the economy as a whole, has convinced us that competition can play an important role in protecting the interests of international telecommunications users. At best traditional rate and rate-of-return regulation is a cumbersome and imprecise exercise. In the case of the U.S. international communications industry, the multiplicity of carriers and services increases geometrically the difficulty of such regulatory efforts. Based upon our experience in the domestic market, we believe that our regulatory efforts will benefit greatly from supplementing traditional, formal procedures with increased competiton wherever possible. Indeed, we believe that the domestic experience clearly demonstrates that service innovation and rate competition flourish best in a freely competitive market and that the development of such a market in the international sphere will be the best way to protect international communications users. We thus believe that the public will be served through a relaxation of artificially restrictive policies such as our 1966 *Authorized User* decision and the market dislocations and regulatory costs it has entailed.

52. In any case, quite apart from our changed policy perspective, it is by now clear that whatever perceived need there may have been in 1966 to protect the IRCs from competition, that need is no longer present. As the results of our 1976 Audit Report and the carriers annual reports have shown, the IRCs' operations are, at least for the most part, profitable and the IRCs are experiencing rapid growth. They have the economic resources to prove, and indeed they already claim to be, formidable competitors.

53. For reasons of its own, *see* para. 75, *infra.*, Comsat has declared that it has no interest in providing telex or any other international service on an end-to-end basis in competition with the IRCs. If Comsat changes its mind and decides to compete with the IRCs for through service—a course which we believe would serve the public interest, and which we would therefore welcome—it cannot enter this market overnight. Before it can begin to compete, Comsat will need to obtain operating agreements with overseas telecommunications entities, a process which will take time. It will also take time for Comsat to develop an effective marketing effort in order to sell service directly to the general public. Thus, the only realistic threat of revenue diversion to the IRCs resulting from Comsat's entry would, for the short term, be limited to leased-channel services, in situations where customers elect to bypass the IRCs and lease satellite circuits directly from Comsat.

54. Our review of this matter convinces us that any diversion of leased-channel revenue which might result from our new policy is not likely to be terribly severe; or to reduce the ability of the IRCs to provide good quality service to the public. As we have already mentioned, the rapidly diminishing gap between cable and satellite facilities costs should significantly aid the IRCs in pricing their leased-channel services competitively.

32-33, illustrating telex's accelerated growth and profitability of telex service.

[19] *Id.*, Table 6, p. 22 and Table 9, p. 29.

[20] *Id.*, Table 8, p. 28.

[21] It is difficult to make direct cost comparisons between cable and satellite circuits. The capacity of a satellite is dependent to a large extent upon the number and geographical dispersion of the earth stations which operate with it. However, Comsat's present tariff rate is $1,125 per month or $13,500 per year for a voice-grade half circuit. At a voice-grade circuit construction cost of $15,000 to $19,000, such a cable should be quite competitive.

Moreover, it is not clear that all leased-channel service customers would elect to deal directly with Comsat. A customer taking direct service from Comsat would be required to make his or her own service arrangements directly with the foreign telecommunications entities and domestic arrangements with a domestic carrier. Such a course may be open to large users, but it is not clear whether the average subscriber for leased-channel services would care to go to such trouble. Furthermore, there is now a much more varied subscriber population for this service than existed in 1966. The overseas leased-channel market is no longer dominated by the federal government which might be regarded as being in a particularly advantageous position to negotiate the required operating arrangements with the foreign administrations.

55. Moreover, even if contrary to our expectations, the IRCs do suffer a significant reduction in leased-channel revenues, there is no evidence to indicate that such a reduction would affect their overall profitability to such extent as to impair their ability to provide service. As explained earlier, the 1976 Audit Report found leased-channel services to be among the least profitable of the IRCs' major service categories and telex their chief source of revenues and profits. Telex service has experienced steady and rapid growth over the last sixteen years. We discern no reason why telex service in some form should not continue to grow for the foreseeable future. In all likelihood, IRC facilities idled by any loss of leased-channel service can, at least in part, be transferred to the provision of the growing telex service. Further, although less profitable than telex, leased-channel service has also experienced rapid growth. For example, over the past 15 years the IRCs' leased-channel revenues have grown from $20.2 million in 1965 to $100 million in 1980, an average annual growth of 11.3 per cent. In all likelihood, any diverson of leased-channel revenue to Comsat which may occur will do no more than to slow the rate at which the IRCs' revenues from this service grow.

56. The impact upon the IRCs for the long term is, for obvious reasons, more speculative. We do not know when, or even if, Comsat will offer telex or other switched message services to the public. As explained more fully below, we have undertaken to provide necessary safeguards so that Comsat derives no unfair advantage from its direct relationship with INTELSAT. Under these circumstances, the IRCs, with their established market position, experience, long history of service and relations with the foreign telecommunications entities should have sufficient advantages of their own to remain successful competitors. However, our primary concern is to assure that the IRCs have a fair opportunity to compete. If in such an environment one or more of the IRCs is unable to survive, the public interest is not necessarily harmed thereby. So long as the public is not deprived of service, the failure of a carrier is not the responsibility of this Commission. We were not created to guarantee the survival of any carrier, only to assure that its competitors deal with it on a just and reasonable basis. If an IRC is forced out of business by its stronger competitors, those competitors will remain and will rightfully be the ones to provide service to the public.

57. Although the IRCs have claimed they will suffer substantial revenue diversion, their supporting estimates, if provided at all, are vague and otherwise difficult to credit. If anything, the IRCs collective showings on this point are so weak as simply to reinforce our view that no substantial revenue diversion will, in fact, occur as a result of our decision to allow Comsat to compete directly for international traffic.[22]

58. Specifically, RCAGC estimates that Comsat will cause it to lose at least $6.5 million in leased-channel revenues each year and will reduce its profits by $3.8 million. (Unless otherwise stated, the carriers based their revenue figures on 1979 data). ITTWC estimates that it will lose approximately $20 million of leased-channel revenues each year, or 65–70 per cent of its total leased-channel business. It also asserts that it will lose an additional $20 to $25 million each year in revenues from other services, primarily telex. ITTWC also estimates that, looking at the IRC industry as a whole, Comsat's entry will result in a diversion of revenues of $120–$135 million on the first year—or 24 to 27 per cent of total IRC revenues. WUI argues that Comsat's entry will threaten the continued viability of the IRCs because it will divert substantial amounts of IRC leased-channel revenues and, through a "ripple effect," that it will also result in losses of revenues from other services as well. WUI argues that revenues from all services are indispensable to the IRCs, but does not predict a specific dollar amount it expects to lose.

59. RCAGC did not explain the assumptions on which it based its estimates of revenues or the methodology it employed. Although ITTWC does provide some explanation of its methodology, it apparently bases its argument upon an assumption that Comsat will capture virtually all of its satellite-based private lines. ITTWC also assumes that Comsat will enter other end-user markets such as telex and that many customers who switch to Comsat for private-line service will also switch to Comsat for all their international record services, simply to achieve a full-service relationship with the carrier.

60. ITTWC's argument here appears to be typical of the IRCs' approach to the question of revenue diversion which suggests (1) that the IRCs will make no effort to respond to competition from Comsat and (2) that IRC service offers no benefits over Comsat's provision of bare space-segment capacity. For example, none of the IRCs indicates that it would decomposite its rates to meet a Comsat rate. Rather, the IRCs tacitly assume that Comsat's satellite rates are so much cheaper than any rates they could file that they will be unable to retain any leased-channel customers. We question the reasonableness of these assumptions. We observe, too, that Comsat, the presumed beneficiary of our policy change, takes a very different view of the matter. Comsat argues that its satellite circuits are at best marginally more economical than existing IRC rates and questions whether it would be able to attract many customers. In addition, if the IRCs are correct that they add nothing to the Comsat space segment, then the current price differential between their leased-channel service and the lease charges for Comsat space segment may not be justified. The profit the IRCs earn on their service represents a return on money they have invested in providing a service for which a customer is willing to pay. If the IRCs add nothing to the Comsat facilities, they cannot reasonably expect to be able to earn a return.

61. We are not prepared to conclude that the IRCs do not add services which are beneficial to their subscribers; nor do we believe that the IRCs want us to reach such a conclusion. However, the IRCs cannot have it both ways here. If they are efficient and provide services the public needs, they should be able to compete with Comsat under fair conditions. If they cannot, and if it is true that Comsat can simply brush them

[22] The IRCs' primary argument appears to rely less on a claim of diversion *per se* than on an assumption that Comsat will engage in predatory behavior or other forms of unlawful conduct. They suggest that Comsat will use its monopoly position as the supplier of international satellite space segment to gain an unfair competitive advantage in the user market. We deal with this problem below.

aside, this merely suggests that there are public benefits to be obtained by allowing Comsat to compete for such traffic.

62. We also find it difficult to understand ITTWC's argument that somehow Comsat will have an advantage because it is "full service carrier." ITTWC argues that it will lose not only leased-channel revenues but also telex revenues because customers shifting to Comsat for leased channels will also shift their telex business because they wish to obtain all their services from one carrier. It may be true that customers prefer to obtain all their communications service from one provider—so long as that choice does not force them to pay too great a penalty in cost or service quality. However, we cannot fathom ITTWC's claim of a disadvantage in this respect. ITTWC is itself a full-service carrier and so, according to its own logic, should be able to retain its leased-channel customers for that reason alone.

63. Finally, the IRCs argue that their leased-channel revenues are "indispensable." This claim is so vague as to be meaningless. A carrier's claim of injury due to a revenue loss if relevant to the public interest only to the extent that such a loss is so severe as to threaten the carrier's existence or otherwise negatively to affect the service available to users. The IRCs do not specifically make such a claim. Indeed they do not even claim that they will be unable to learn a fair rate of return as a result of allowing Comsat to provide service directly to customers.

64. For all the reasons already mentioned, we do not believe that the realities of the situation bear out the IRCs' suggestion that substantial revenue diversion will result from allowing Comsat to compete for international traffic. To the extent there may be diversion, we do see no reason to believe that it would be so significant as to lessen the IRCs' ability to provide service to the public or that it would otherwise impair the quality or availability of public service.

C. Analysis of Benefits

65. As we discussed above, Congress in enacting the Satellite Act did not specify who should be an "authorized user," but left that determination to the discretion of the Commission. Having determined that our former policy restricting Comsat to a carrier's carrier role is no longer required to protect existing international carriers, we now find that authorizing all non-carrier users to obtain service directly from Comsat will advance the goals of the Satellite Act, provide additional benefits and alternatives to users and otherwise serve the public interest. We find, as we tentatively concluded in our *Notice*, that the primary objectives of the Satellite Act—"the reflection of the benefits of [satellite] technology in both quality of services and charges for such services, [and] * * * that the corporation created under this act be so organized and operated as to maintain and strengthen competition in the provision of communications services to the public" [23]—will be better attained through Comsat's direct offering of satellite service to the public. Likewise, we find that such a policy will advance the public-interest goals of the Communications Act. Our decision here is not merely to introduce competition for competition's sake, but to make available directly to the public the cost and service benefits which we expect to result from increased competition between satellite and cable technologies. *See FCC v. RCA Communications Inc.*, 346 U.S.C., 86, 97 (1953).

66. To support our public interest-finding under the Communications Act authorizing non-carriers to obtain service directly from Comsat, we rely on three principal rationales. First, although we foresee that many, if not most, users will prefer to rely on existing carriers to provide "through" routing of their communications as they have in the past, certain users may benefit from the elimination of these "middlemen" our new policy makes possible. We expect that these users will save money and pass their cost savings on to other members of the public. This will, in turn, apply competitive pressures to existing carriers.

67. Second, our decision permits Comsat to provide additional end-to-end services directly to the public. Although Comsat has expressed no present intention to do so, we find that the industry would benefit from entry of a new competitor such as Comsat which has the resources and experience to play a major role in providing satellite services to the public. Indeed, the mere presence of a powerful "potential entrant" could have a healthy, pro-competitive effect.

68. Third, on a somewhat more theoretical level, we believe that replacing a regulatory requirement which has outlived its usefulness by marketplace forces will serve the public interest. In general, our action today is part of a continuing effort to remove artificial constraints and barriers to entry which inhibit the operation of a free, competitive communications market. The elimination of the *Authorized User* policy facilitates our decision to do away with closely related regulatory constraints, including prescribed-use formulas and mandatory rate compositing. As suggested earlier, these are features of a regulatory design which, while perhaps guarding the security of entrenched carriers, has not always guaranteed the public efficient service at reasonable rates.

1. Public-interest Benefits of Direct Access to Comsat's INTELSAT Transmission Capacity

69. Our decision today authorizes non-carrier users to gain direct access to Comsat's INTELSAT basic transmission services. Henceforth, Comsat will be required to lease basic transmission capacity to all users on the same terms and conditions Comsat now offers to carriers. Under this policy, the service provided by Comsat remains roughly the same, although the spectrum of users who may avail themselves of that service will be broadened. Customers will be able to choose to take service from one of the service carriers (AT&T or the IRCs) or to lease directly from Comsat. Even if Comsat elects to limit itself to its current role of providing basic satellite transmission capacity at U.S. earth stations, affording customers the opportunity to deal directly with Comsat will impose competitive pressures on the existing carriers. The comments in this proceeding from ARINC, DoD, Dow Jones and SITA indicate that there will be users for such basic transmission service.

70. We expect that certain users, notably larger users such as ARINC or DoD, will benefit from lower prices made available to them by dealing directly with Comsat. Indeed, those filing comments herein stated that they believe that being able to deal directly with Comsat will provide them greater flexibility and substantial cost savings. We expect, however, that many users will not choose to deal directly with Comsat because of the complications involved in arranging through international service. In addition to the need to obtain space-segment and earth-station facilities from Comsat, these include the need to make domestic and connecting arrangements. However, there are public benefits to be gained from making this alternative available to those users who can lower costs through direct dealings with Comsat, despite the associated transaction costs. Furthermore, as we noted in discussing the question of revenue diversion, the opportunity we offer to users to lease satellite circuits directly from Comsat

[23] 47 U.S.C. 702(c).

affects primarily leased-channel service and, therefore, should not harm users of switched services.[24]

2. Public-interest Benefits of End-to-End Service by Comsat

71. Under our changed policy, Comsat also has an opportunity to become an international service carrier. Through a separate corporate subsidiary, Comsat will be eligible to apply for authorization to provide end-to-end (or through) international communications services such as leased channels, telex or MTS. The Comsat subsidiary would lease satellite transmission facilities from the World Systems Division under the same terms and conditions as any other entity and would use the facilities in the provision of end-to-end services.[25] The Comsat subsidiary would become an international carrier similar to AT&T and the IRCs and would be separately regulated in its provision of basic services. It would also be necessary for the Comsat subsidiary to obtain an operating agreement from an appropriate foreign entity and to make arrangements for overseas connecting facilities.

72. Comsat in its comments indicated that it would not be feasible for it to become a service carrier. Comsat did not address what kinds of switched services it might offer or the benefits it might offer customers. We are, therefore, less certain about the potential benefits of Comsat's entry as a switched-service carrier or as an end-to-end carrier basis than we are in simply allowing other users to take its service directly.

73. However, should Comsat elect to offer end-to-end services, the introduction of an additional well-financed and technologically-sophisticated competitor will further increase customer choice and promote a technologically-advanced, efficient communications system. To the extent that Comsat elects to provide end-to-end service, it would be able to extend the economies of satellite transmission to these markets. Comsat's entry into the end-to-end services market would benefit customers by giving them an additional choice of supplier for their communications needs. Increased competition could be expected to affect competing carriers' performance and charges, as we discussed above in connection with direct leasing of Comsat capacity. Finally, even if Comsat does not enter new services, we find that the presence "in the wings" of this potential entrant would have a salutary effect on competition.

74. We also observe that Comsat, in stating that it is unlikely to enter the switched-services market and that any benefit from its entry would be "minimal," is departing from a position which it has advocated in the past. At the time of our 1966 *Authorized User* proceeding, Comsat attached a great deal of importance to the ability to market its innovations to potential users. Moreover, Comsat has on a number of occasions eagerly sought precisely the broadened authority in which it now disavows interest. Comsat's reluctance in this proceeding may arise from a desire not to upset existing institutional arrangements, including a comfortable monopoly as supplier of satellite facilities with a guaranteed share of overseas circuits, for the vagaries of the competitive market. We expect that, as a result of our earlier decisions and those taken today, Comsat increasingly will be subjected to market pressures. In this changing environment where Comsat's monopoly position is less firm, it may become more interested in providing new services in competitive markets.

3. General Public-interest Benefits, Including Elimination of Prescribed-Use Formulas and Mandatory Rate Compositing

75. We have also based our public-interest finding here on the conviction that competition is preferable to regulation as a means of allocating Comsat's services, especially when the conditions in the international communications marketplace used to justify our *Authorized User* policy no longer exist. Congress' passage of the Record Carrier Competition Act strongly supports this view.

76. Under current policy, cable and satellite facilities are integrated into a comprehensive system. Because each type of facility has its own unique characteristics, these facilities do complement each other; but our existing policy has also had the unintended effect of neutralizing what can be healthy intermodal (cable/satellite) competition. Allowing Comsat to offer users satellite-based services at rates based solely on satellite costs will give it a greater incentive to develop the satellite system and to keep satellite costs to a minimum in order to earn a larger market share. Furthermore, as discussed in greater detail below, under our current policy Comsat's share of traffic has been determined by loading prescriptions with little or no reference to the relative costs of cables and satellites. Our new policy will require that all carriers earn their traffic through their competitive efforts. As a result, our policy will also give the owners of the cable medium a chance to increase their market shares and thus will give them an incentive to develop the potential of that medium.

77. Elimination of the *Authorized User* policy is especially desirable because of its interrelationship with two other regulatory policies—prescribed-use formulas and mandatory rate compositing. These policies, taken together, have constrained Comsat's exploitation of the international satellite system. The *Authorized User* policy bound Comsat to deal only with existing carriers. Preventing Comsat from dealing with end users has made it dependent for its traffic upon the carriers who own the cable facilities which are the major alternative to Comsat's facilities. This dependence has had two related results. First, the end-service carriers have had little incentive to advance satellite technology, since increases in satellite use threaten their cable investments. Second, Comsat's insulation from the end user has reduced Comsat's incentive to improve satellite service or to keep satellite costs as low as possible. Since Comsat cannot deal with its ultimate customers, it cannot be sure that the intermediate carriers will make service innovations or rate reductions available to them. Moreover, since the share of traffic Comsat receives is determined by the carriers,

[24] By authorizing all users to obtain service directly from Comsat we shall also resolve a dilemma arising from our Computer II proceeding. There we found that enhanced-service providers are not common carriers within the meaning of Title II of the Communications Act. *See* Second Computer Inquiry (Computer II), 77 FCC 2d 384, 387 (1980) *appeal pending sub nom.* CCIA v. FCC, Case No. 80-1471 (D.C. Cir., filed May 15, 1980). On reconsideration, 84 FCC 2d 50 (1980), we held that our basic-transmission/enhanced-service dichotomy was applicable to all enhanced-service providers without distinction. When an enhanced-service provider sought to extend service overseas, if it asserted its status as a non-carrier under Computer II, it would likely not be designated an authorized user for purposes of dealing directly with Comsat under our Authorized User decision. The enhanced-service provider might, therefore, have decided to disguise its service as a common carrier basic service in order to become elgible to deal directly with Comsat. Our action here, therefore, will remove a restraint on enhanced-service providers and make it clear that they may deal directly with Comsat without the need to become a Title II common carrier. In GTE Telenet Communications Corporation, File Nos. I-T-C-81-274, FCC 82-377, I-T-C-82-210, FCC 82-377, —— FCC 2d ——, also decided today, we reaffirm our previous finding that the basic/enhanced distinction is applicable to proposals by domestic enhanced service providers to extend their service to international points.

[25] Should Comsat elect to provide enhanced services, as defined in Section 64.702(c) of the Commission Rules and Regulations, 47 CFR 64.702(c) (1981), it must offer them through a corporate affiliate separate from its INTELSAT/INMARSAT operations consistent with this structure.

Comsat cannot be sure that a reduction in charges will result in its receiving a larger market share.

78. Indeed, the question of relative cable and satellite use has been a problem since shortly after we issued our *Authorized User* policy. As one might logically expect, the IRCs and AT&T have traditionally favored use of cable over satellite, in part at least from a desire to protect their cable investments. This is not to say, however, that they have opposed use of the satellite, indeed on many routes satellite circuits are the only facilities available. It is simply that where there is a choice of cable and satellite facilities the carriers tend to prefer to use cable for most services. In *ITT Cable & Radio Inc.—Puerto Rico, et al.*, 5 FCC 2d 823 (1966) (policy statement), 7 FCC 2d 957 (1967) (authorization), we authorized both an additional cable facility between the United States Mainland and Puerto Rico and an earth station in Puerto Rico. Although there was no urgent need for the total additional capacity those two facilities would provide, we decided to authorize both as a way to encourage the development of both technologies. As a result, to assure that both facilities were reasonably used, our order instituted the first "prescribed-use" formula, which specified that the carriers should activate equal numbers of cable and satellite circuits. Since then, as the factual situations have changed, the forms of prescribed-use formulas have also changed, but have commonly set some proportion of cable to satellite circuits the carriers are to activate. The purpose of the formula also shifted from assuring reasonable use of both facilities to assuring that Comsat's traffic share grew in an orderly way.

79. The composite-rate policy arose from our *Authorized User* decision as a means to assure that users received the economies of satellite transmission even though Comsat was not permitted to offer service directly to end users. Our policy required the carriers to review their leased-channel-service tariffs to assure that the lower costs of satellite transmission were reflected in their rates. In complying with that requirement, the carriers have filed one rate for each destination based on an arithmetic average of the costs of serving that route by cable and by satellite. Because the composite-rate requirement was only applicable to leased-channel services, it has had a somewhat limited effect on international rates. Furthermore, the rate averaging entailed by rate compositing has diluted the economies of satellite transmission (and perhaps in some instances those of cable transmission) in those services where compositing has been applied. The existence of separate cable-only and satellite-only rates will allow customers electing the cheaper medium to achieve the full economies that medium allows.

80. Although Comsat has opposed rate compositing because it prevents customers from seeing a cost difference between cable and satellite circuits, it has not been in a position to make any change since it is prevented from interacting with end users. Furthermore, because the share of traffic it receives is set by formula, Comsat has had no incentive to reduce its satellite rates to attract more traffic. To end such undesirable situations, we have decided to affirm the proposals in our Notice to end mandatory rate compositing and to remove ourselves, as much as possible from prescribing the loading of cable satellite facilities.

81. A number of those filing comments argue that any change in our *Authorized User* policy should be accompanied by changes in our facilities-planning processes.[26] Most parties, however, address the narrower question of prescribed-use formulas. AT&T, WUI, RCAGC, ITTWC and DoD urge abolition of such formulas, arguing that decisions on how facilities are used should be left to the market and that competing carriers need flexibility in facilities use decisions to best meet customer demands. The Department of Justice further argues that restrictions on which facilities a carrier may use prevent it from taking advantage of each facility's relative efficiencies—and, thus, from making better use of each medium to build a larger market share. AT&T states that market forces will fully protect the national interest in a strong communications industry. AT&T does not believe that either satellite or cable would be under-utilized because each medium has its own advantages. AT&T believes that the carriers will continue to use both facilities to maintain diversity, even in the absence of use prescriptions.[27]

82. Comsat, on the other hand, opposes the end of prescribed-use formulas. Comsat argues that our past prescribed-use policies have resulted in an efficient mix of facilities and that their continuation is vital to keep satellite costs low. Comsat notes that AT&T and the IRCs have a preference for their own cable facilities and cannot be expected to make activation decisions on a basis which leads to socially optimal investment decisions for users as a whole. Comsat argues that most of the international facilities are those used in provision of the switched MTS and telex services. In providing those services, carriers select the facility to be used for a particular call; the customer has no way to make his or her wishes known. Comsat believes that carriers thus have absolute market power and can distort the selection of facilities to their own private benefit. Comsat also notes that nothing in our proposed policy would neutralize this excessive market power and that loss of revenues to cable circuits on high-density routes will pressure INTELSAT to lower its rates on these routes to meet cable competition and to raise them on other, mostly Third World routes.

83. We do not find that any loading principle should be preordained. Thus, as a matter of policy we shall not guarantee either the cable or the satellite medium any particular share of the market.[28] Our long-term goal is to create a viable international market in which users and carriers make facility-use decisions with as little regulatory interference as possible. A freely operating, competitive market is the best means of determining the relative efficiencies of the two mediums and of assuring that the comparative advantages of each will be appropriately passed on to the end user.

84. However, Comsat from its birth has been constrained to a limited role which left it without the opportunity to develop its own traffic base. Under our prescription of its role as a "carrier's carrier," Comsat has been at the mercy of other carriers for its traffic. Given those carriers' possible ownership bias

[26] AT&T, for example, argues that we should gradually remove ourselves from the facilities-planning function, and more particularly from deciding how individual facilities should be used. NTIA argues that there can never be true competiton between cables and satellites unless the owners and users of each are free to use them as they find beneficial and to build them at the times they find most advantageous.

[27] However, AT&T states that it is aware that the Commission must maintain some degree of oversight over facilities investment to protect the national interest. It believes, however, that market forces will advance that interest and that the Communications Act gives us adequate powers to intervene to correct a gross imbalance in facilities use, should one develop.

[28] Indeed, in Docket No. 18875, Overseas Communications, 67 FCC 2d 358 (1977), we have already taken a step in that direction by eliminating any fill requirements for the IRCs in the North Atlantic and by adopting AT&T's request to employ balanced loading of available facilities. Balanced loading is a use principle which seeks to place the same number of circuits on all facilities available to a given destination, subject to capacity limitations, treating all paths as equal without regard to whether they are provided by cable or by satellite. Balanced loading seeks to minimize the disruption which would follow an interruption of a facility.

in favor of cable facilities, and Comsat's constrained role, we have been compelled to ensure that the carriers allocated a reasonable amount of traffic to Comsat.[29] By removing the constraints on access to Comsat, we believe that we are setting the stage for Comsat's independence and, over the long term, for our removal from the process of allocating traffic.

85. This does not mean, however, that we can or should remove ourselves entirely from the question of facilities planning or use, especially in the near term. The United States has an interest in the maintenance of a strong, efficient international transmission system and Congress has placed upon us the responsibility to assure that this interest is protected. We shall, therefore, continue to oversee the building of all future international cable, satellite or other facilities. With respect to the use of facilities, we propose in the future to allow the carriers discretion in making circuit-activation decisions, relying upon the developing market to guide them. However, recognizing that the effects of our past regulatory policies will not disappear immediately, we shall continue to monitor the carrier's use of facilities to assure that both cable and satellite facilities are reasonably used.

86. In our Notice we also questioned the continued reasonableness of our composite-rate policy. We noted that it had only been partially successful in assuring that users received the benefits of satellite economies. While our policy has required the carriers to pass through satellite cost savings, those savings have been limited largely to leased-channel services.[30] Because compositing involves rate averaging, reductions in satellite costs are only partially reflected in end-user rates. On this point, we noted that the IRCs' composited AVD half-circuit charges are three to four times Comsat's monthly half-circuit charge of $1,125, depending on the route. We thus tentatively concluded that allowing Comsat to provide services directly to the public, at rates based solely on its satellite costs, would allow it to grant users substantial rate reductions.

87. The parties in their comments express three positions on our proposal to decomposite rates. NTIA, the Justice Department and Dow Jones support our proposal as the best way to assure that the benefits of each medium may be realized. The Justice Department and NTIA argue that rate decompositing will allow rates to reflect the true relative costs of cable and satellite facilities and will thus give customers the chance to make the decision as to their relative worth. AT&T, HTC and RCAGC take a middle course, arguing that we should make decompositing discretionary rather than mandatory, so that carriers will have flexibility to respond to customer needs and the pressures of competition. Comsat, ITTWC and WUI, on the other hand, oppose our proposed policy essentially on the ground that decompositing will allow the carriers to file differential rates leading to unlawful rate discriminations. WUI argues that decomposited rates will likely cause carriers to overinvest in lower-cost facilities, thus wreaking havoc in the facilities-planning process and "trapping" a carrier into a disastrous position should there be a major change in transmission technology. Comsat argues that IRC leased-channel rates are already too low and that they are being subsidized by other services. Comsat states that the only place it could offer a satellite-only rate could be in leased-channel service. Comsat argues that if it were to offer such a lower rate the IRCs would undoubtedly lower their charges to meet competition. Such a result, says Comsat, would only increase the pressure on the carriers' rates for other services, and thus exacerbate the cross subsidy. Finally, Comsat argues that the IRCs have sufficient market power so that they could deaverage their rates in favor of high-density routes to the detriment of customers on low-density, mainly Third World, routes.

88. We are unpersuaded by arguments that allowing the carriers to file rates applicable to a particular transmission medium will alter significantly a carrier's opportunity to engage in unlawful rate discrimination in favor of more competitive services or more competitive routes. The ability to file a cable-only or satellite-only rate under appropriate circumstances has existed since 1967. As a result, we do not believe extending that option to other services will alter a carrier's motivation or opportunity to violate the law. The carriers are required to file rates which are just and reasonable; we shall hold them to that duty. Rate decompositing will simply allow the carriers to price their services based upon the costs associated with the medium used to provide service.

89. Similarly, we are not convinced that the ability to decomposite rates will cause the carriers to "overinvest" in either type of facility. Because each medium has its own particular advantages and disadvantages, we can expect the carriers to continue to make their investment decisions with an eye to their long-run best interests.[31] Rate decompositing will simply facilitate the development of intermodal competition and a socially beneficial increase in the use of lower-cost transmission facilities.

90. Rate decompositing should be voluntary. Carriers should have flexibility to tailor their services to the needs of their customers and to reflect any cost advantages they can offer if they choose. We do not agree with Comsat's argument that decomposited rates would benefit only leased-channel customers. Comsat believes satellite-only rates cannot be applied to switched services now provided over a mix of cable and satellite facilities because the customer cannot choose its particular medium. Decomposited rates, however, would allow an entrant to initiate a cable-only or satellite-only, switched service and to offer its users lower rates or more suitable technical characteristics.

91. Those opposed to changes in our *Authorized User* policy liken Comsat's role in INTELSAT to that of a wholesaler of international satellite circuits and argue that our decision here will allow Comsat to use its wholesale monopoly to gain an unfair competitive advantage in the end-user or retail market. We find this argument unpersuasive. The IRCs argue that Comsat derives essentially three benefits from its role in INTELSAT which it can turn to anticompetitive ends. First, because Comsat obtains it space segment from INTELSAT at a privileged rate, the carriers believe it can offer service to end users at a rate lower than any they can afford to offer and that Comsat can in this way apply its monopoly wholesale power to the retail market in violation of the Sherman Act, 15 U.S.C. 2 (1976). Second, they maintain that Comsat can control its tariff rates so as to offer higher rates on

[29] Without our involvement in artificially allocating traffic to Comsat under our Authorized User policy, United States' use of the international satellite system may have been substantially lower than it is today.

[30] In connection with the Comsat Rate Case, Communications Satellite Corporation, 56 FCC 2d 1101 (1975), where we found Comsat's rates too high, we required the IRCs and AT&T to "pass through" to users the savings they would realize from the reduction in Comsat rates we there ordered. *See id.* at 1186–7. *See also* American Telephone and Telegraph Company, *et al.*, 56 FCC 2d 821 (1975). In response, AT&T reduced its rates for overseas leased-channel and MTS services and the IRCs reduced their rates for telex and leased-channel services.

[31] For example, satellite technology allows very wide bandwidth and is thus particularly well-suited for use in high-speed data transmissions. Satellites are more flexible since they provide simultaneous access to all countries operating with the satellite. Cable circuits, on the other hand, are generally recognized as more useful for certain other types of computer communications.

routes where there are no competing facilities and lower rates on routes where there are alternatives. Third, the IRCs argue that because of Comsat's role as the U.S. representative to INTELSAT it has access to possibly proprietary information from other U.S. carriers on their plans and to insider information about INTELSAT's own plans. This they believe will unfairly assist Comsat in developing services to offer users.

92. We find that while the IRCs have some ground for apprehension, their fears are overstated. Furthermore, there are regulatory tools at our disposal, short of the old *Authorized User* measures, to address these three potential problem areas. Our new policy provides that Comsat must offer basic transmission capacity through its World Systems Division at the same rate to non-carriers as it offers it to carriers. *See Comsat Structure*, FCC 82-372, —— FCC 2d —— (adopted August 5, 1982). Further, if it elects to become an international carrier, it must offer satellite service to its carrier subsidiary at the same rates at which it offers service to other carriers. Moreover, Comsat is fully subject to Sections 201-205 of the Communications Act and is required to file just and reasonable rates. It is subject to the antitrust laws as well. As a result, any rate Comsat may file pursuant to our policy will be fully reviewable under the Act and other applicable law.

93. The fundamental fear of the IRCs is that by virtue of its position as the sole supplier of international space segment Comsat will have both the ability and the incentive to engage in predatory pricing in the end-user market. The IRCs believe that Comsat will be able to use its monopoly to offer satellite circuits to the public at rates lower than those which it offers to retail-carrier customers. To illustrate its concern, ITTWC notes that Comsat recently bid to DoD a rate at retail for 1.544 mbps (megabits per second) service between Hawaii and Guam of $90,900 per whole circuit, per month, at the same time it quoted ITTWC a rate at the wholesale level of $183,200 per whole circuit, per month.[32] We understand ITTWC's concern that differential pricing of the sort it alleges would make it impossible for ITTWC to compete. We believe, however, that our modified policy requiring Comsat to tariff its rates for the space segment, and to take such services itself under tariff should it become an end-to-end service provider, will prevent any price squeeze such as ITTWC fears. Comsat's tariffs are subject to scrutiny under the Communications Act. We note, for example, that Section 202(a) of the Act bars unfair discrimination.

94. The IRCs are also concerned that Comsat will be able to extract its profit from providing the INTELSAT space segment and could thus afford to take little or no profit at the end-user level. We note that under our new policy Comsat must offer services to all users on the same terms and conditions. Should Comsat offer end-to-end services to the public its carrier subsidiary, like any other user, would be required to obtain earth-station service and the space segment from its World Systems Division at tariffed rates. Any rates which Comsat's carrier affiliate might file will be subject to Sections 201-205 of the Communications Act. Furthermore, under the separate-subsidiary requirement of our *Comsat Structure* decision, only Comsat's INTELSAT-related investment may be used in developing its rates for INTELSAT services. Furthermore, the separate-subsidiary requirement will facilitate our monitoring of Comsat's performance and allowing us to take any necessary corrective action.

95. We also find unpersuasive the IRCs argument that our policy violates the Sherman Act because it would allow Comsat, a wholesale monopolist, to compete with the IRCs for retail services. The IRCs argue that our policy offends the Sherman Act because they believe it will allow Comsat to extend its wholesale monopoly to the retail market. We disagree. The mere fact that we may authorize Comsat to compete with the IRCs will not allow it to monopolize the retail market and does not violate the Sherman Act. Our modified policy does not authorize Comsat to monopolize or to engage in any other unlawful conduct. It merely empowers Comsat to offer basic satellite transmission capacity to non-carrier users upon fair and reasonable terms and to seek authorization as an international communications common carrier. In either instance, Comsat will be fully subject to the Communications Act and to the antitrust laws. We find also without merit the IRCs' argument that we are required to apply the antitrust laws mechanically to forbid any proposed action which might place an entity in a position to attempt to violate those laws. In *United States v. FCC*, 652 F.2d 72 (D.C. Cir. *en banc* 1980), a review of our authorization in *Satellite Business Systems, Inc.*, 62 FCC 2d 997, *recon. denied*, 64 FCC 2d 872 (1977), the Court of Appeals upheld our decision to allow Comsat and International Business Machines, Inc., to participate in a joint venture with Aetna Casualty and Surety Company to build and operate a domestic communications satellite system. In so doing, the court found that the effect of the antitrust laws is only one element we must consider in reaching our public interest finding. *United States v. FCC* at 88. The court specifically upheld as reasonable our finding that the combination of Comsat and IBM was unlikely to have an adverse effect upon competition but found that, even if it did, the benefit of introducing a well-financed competitor into the domestic-satellite market would outweigh those detriments. *See id.* at 106. In the instant matter, we believe that a policy broadening the market Comsat may serve will not itself produce an undue negative effect upon competition in the provision of international services.

96. The IRCs also argue that our policy is unlawful because they believe it will allow Comsat to engage in what ITTWC has characterized as "Hi-Lo" price discrimination. ITTWC argues that Comsat will be able to recast its current distance-insensitive tariffs to charge higher rates on routes where there are no cable or other facilities and to charge lower rates on routes where there are competing facilities. ITTWC further argues that our *Comsat Study* order even "encouraged" Comsat to engage in such discriminatory pricing. *See* ITTWC Comments at p. 26.[33] We do not agree with ITTWC's argument, or its characterization of the *Comsat Study*. Should Comsat seek to become an international carrier, it will no doubt be required to compete with the cable carriers for customers on routes where

[32] On June 8, 1982, ITTWC filed a motion requesting us to take official notice of the record in CC Dockets Nos. 81-353, 354, 355 and 356, the proceedings examining the Hawaii-Guam matter, or otherwise to incorporate that record into the record of this proceeding. On June 22, 1982, Comsat filed its response to the ITTWC motion opposing the relief requested. As we indicated above, *see* n. 2, *supra*, in response to the WUI pleading seeking to supplement this proceeding, we have taken CC Dockets Nos. 81-353 to 356 under review. We note that Comsat has requested leave to withdraw the applications at issue in that proceeding and that has taken exception to the ALJ's decision. We therefore believe it would be inappropriate to incorporate the record of CC Docket 81-353 to 356 on the initial decision into this record until we have had an opportunity to review it. We shall, therefore, deny ITTWC's request insofar as it seeks incorporation.

[33] ITTWC there quotes from paras. 483 and 492 of our Comsat Study, *see* 77 FCC 2d at 751 and 754-5, and suggests that, taken together, our language constitutes an encouragement to engage in discriminatory pricing. These statements do not constitute an invitation to violate the antitrust laws. They merely express the benefits we hope to achieve by increasing competition between the satellite and cable mediums.

both types of facilities are available. We do not believe, however, that this necessarily presupposes that Comsat would file unjustly discriminatory rates in violation of the Communications Act or of Section 2 of the Sherman Act. Additionally, should this occur, we are committed under Section 202(a) of the Communications Act to protect against unjust or unreasonable discrimination.

97. The fact that Comsat may elect to enter the end-user market, or that it may offer its services at rates lower than those in the existing carriers' tariffs, does not mean that Comsat is acting anticompetitively. One reason to introduce a viable competitor into the market is, in fact, to encourage competitive pricing. Similarly, the fact that Comsat changes its rate structure to meet competition from other carriers does not mean it is engaging in predatory pricing. Finally, there is no information in the record to indicate that there is sufficient traffic on those routes where Comsat would not face competition from other types of facilities to enable it to earn enough monopoly revenues to effectively cross subsidize competitive routes. The Third World routes cited as the source of such monopoly revenues tend to be low-density routes from which Comsat would be unlikely to be able to extract huge monopoly rents.

98. The *Comsat Study* does not lend support to the carriers' argument. It merely recognizes that competition may result in changes to Comsat's current tariffs as it seeks to respond to competition. Such competition will also likely require the existing carriers to change their tariffs as well. Our policy does not constitute encouragement of unjustly discriminatory pricing by either Comsat or existing carriers.

99. We also do not find compelling ITTWC's arguments concerning Comsat's access to information provided to it by the carriers and the IRC's related arguments concerning Comsat's access to INTELSAT information. ITTWC does not specify the kind of information about which it is concerned or how it believes Comsat would benefit from it. The only information available to Comsat from the international carriers is general estimates of circuit requirements. This information is also made available to other of ITTWC's competitors, including AT&T, in the course of developing projected use of INTELSAT facilities. With reference to Comsat's access to INTELSAT information, as the U.S. signatory to INTELSAT Comsat occupies a fiduciary relationship to those who use the INTELSAT system which governs its use of INTELSAT information. It is held accountable for the performance of its fiduciary obligations. There is no evidence that Comsat will be incapable of carrying out its INTELSAT duties faithfully even if its subsidiary becomes an international carrier. In any event, the Communications Act gives us adequate power to protect the other carriers from abuses. Furthermore, in our companion *Comsat Structure* order we impose requirements upon Comsat which should protect against any potential abuse of its access to INTELSAT information. In our *Comsat Study* we noted several types of information to which Comsat has access by virtue of its role in INTELSAT and from which it might benefit to the detriment of its competitors. *See* 77 FCC 2d at 648, para. 214. In the *Comsat Structure* order, we require Comsat to make available to the carriers and the public substantial amounts of this information.[34]

D. Other Issues

100. The parties have also suggested other policy changes to accompany change of the *Authorized User* policy, in addition to abolition of prescribed-use formulas and the mandatory composite-rate policy discussed above. Among these are proposals requiring Comsat to unbundle its charges for earth-station and space-segment services, for modification of our existing earth-station ownership policy to permit carriers outside the ESOC consortium to own and operate their own earth stations, and direct economic, operational and informational access by the carriers to INTELSAT. Without these companion changes in policy, the carriers argue, they will be unable to compete with Comsat in providing service directly to end users. We do not agree with the parties that there is any direct connection between our modified *Authorized User* policy and changes in earth-station policy or the carriers' proposals for direct access to INTELSAT.

101. Comsat now files one tariffed rate which covers the costs of providing both the space segment and earth-station services. The parties filing comments on this point are concerned that such bundled rates will give Comsat a competitive benefit should we decide to allow entities outside ESOC to own their own earth stations. If that should happen, the parties assert that they would not be able to compete with Comsat for through satellite-transmission service because they would be required to charge their customers twice for earth-station service—once for Comsat's charges and once to recover the costs of their own stations. As the parties appear to recognize there is no reason to require unbundling until such time as we decide whether entities other than ESOC may own their own earth stations. Thus, there is no necessary connection between our initiative here and immediate tariff unbundling. Accordingly, we decline to order such unbundling within this proceeding.

102. With respect to the earth-station-ownership question, we agree that the time has come to reexamine current policy to determine whether it continues to serve the public interest. We have this day, in a companion order, *Modification of Earth-Station Ownership and Operation Policy*, FCC 82-373, —— FCC 2d —— (adopted August 5, 1982), initiated such a comprehensive review.[35] While the question of who may own and operate U.S. earth stations is important, it is not inextricably tied up with our *Authorized User* policy. The fact that a carrier cannot offer its own earth-station services does not mean that it cannot compete with Comsat in providing service. So long as Comsat/ESOC makes earth-station facilities and services available to other carriers on the same, reasonable and nondiscriminatory terms as are available to the Comsat subsidiary, all

[34] *See* Comsat Structure, Rulemaking, *supra*. We are also setting up a mechanism whereby most INTELSAT Board of Governors documents will be made routinely available for examination. *Id.* at paras. 91–2. From these documents, the carriers should be able to form a relatively clear idea of INTELSAT developments and the areas of research it is pursuing. This knowledge should go a long way toward neutralizing any advantage Comsat may gain from its access to INTELSAT information. As further protection, we have also ordered Comsat to make available for public inspection the INTELSAT Data Handbook which contains a listing and description of all INTELSAT-funded research and development which is available for licensing to firms through INTELSAT signatories. *Id.* at 94–9. We have also required Comsat to make available a listing of the INTELSAT patents which are available for licensing to outside firms. Additionally, we have required Comsat to make available to the Commission the Comsat Data Catalogue which contains a listing and description of Comsat or ratepayer-funded research and development and a listing of Comsat-held patents which are available for licensing. *Id.* at paras. 103–4.

[35] Our current earth-station-ownership policy arose out of our consideration of Comsat's application for construction and operation of the Early Bird Satellite system. Ownership and Operation of Earth Stations, 5 FCC 2d 812 (1966). We intended this policy only as an interim solution and in 1969 instituted in inquiry looking toward development of permanent arrangements. Earth Station Ownership and Operation, 20 FCC 2d 735 (1969). However, after receiving comments from interested persons, we took no further formal action. The interim policy has thus continued until the present.

competitors will be on the same footing. We thus decline to take action on the request for modified earth-station-ownership authority at this time. We also note that the carriers have argued that Comsat may use its position in ESOC to gain a competitive advantage. We do not find any basis in the record before us to find such an advantage. If the carriers wish to pursue the argument, they are free to raise it in the earth-station-ownership inquiry.

103. Similarly, the carriers' request for direct economic, informational and operational access to INTELSAT is not a necessary predicate for the instant change in our *Authorized User* policy. We are not convinced that the carriers cannot compete with Comsat without the ability to bypass Comsat. The changes the carriers propose may have merit on their own terms, which our access inquiry initiated today will explore. *Direct Access to INTELSAT*, FCC 82-374, —— FCC 2d —— (adopted August 5, 1982). We believe, however, that they are not mandated by the policy changes we make in this proceeding. We have previously considered the carriers' arguments for direct informational and operational access to INTELSAT and found them unconvincing. In the *Comsat Study*, 77 FCC 2d at 722, we found that neither the INTELSAT nor INMARSAT agreements provide for attendance of non-signatories at meetings of these groups and that there was no basis for granting them "observer" status. In the comments here the parties add no new information warranting a change in this position.

104. The carriers have already raised their request for "cost-based" access to INTELSAT in a number of forms. *See* Petition by WUI for Declaratory Ruling, File No. I-S-P-7, filed June 25, 1980; *see also* NPRM in *Comsat Structure*, 81 FCC 2d 287 (1980). They have proposed various ways by which they believe we might grant the access they seek. The question of access is quite complex and should be examined in a proceeding addressed specifically to that question. We have today, in our companion access order, insitituted a comprehensive inquiry looking into the relationships of the carriers to INTELSAT and the various proposals for "cost-based access" which they have offered. We do not agree that the carriers will be unable to compete with Comsat unless they can treat their satellite-circuit expenditures as capital outlays under a "cost-based" access plan. So long as Comsat makes satellite circuits available to the carriers at the same reasonable and nondiscriminatory rates it charges its carrier subsidiary, all carriers should be on the same competitive footing. We are similarly unpersuaded by the carriers' arguments concerning Comsat's propensity to abuse its fiduciary relationship. We cannot assume in adopting new policies here that Comsat will violate the law. In any event, the structure changes we have required today in this proceeding and in *Comsat Structure* proceeding should be adquate to prevent or control abuses by Comsat.

105. In requesting informational access, the carriers argue that Comsat, as a Signatory to INTELSAT, has access to INTELSAT-generated technical information and inventions which provides it an extra benefit. As a result, the carriers argue that they will not be able to compete with Comsat unless they can attend INTELSAT meetings as "observers" and have access to INTELSAT documents. We note that we have previously denied WUI's argument for the same access as "observers." *See* para. 103, *supra*. With respect to access to INTELSAT information, we have already indicated that we shall take action to grant the carriers access to significant amounts of INTELSAT and INMARSAT information. *See* para. 99, *supra*. We thus decline at this time to grant the carriers' request for direct access to INTELSAT.

IV. Conclusion

106. We have decided to amend our 1966 *Authorized User* policy to permit non-carrier entities unrestricted access to Comsat's INTELSAT/INMARSAT basic transmission facilities. Comsat shall provide these facilities on the same terms and conditions that they are provided to carriers. Comsat is hereby ordered to file proposed amendments to its tariff FCC No. 101 to reflect its offering of basic transmission capacity as contemplated by this decision. We shall also permit Comsat the option of providing end-to-end service. Before Comsat may enter the end-to-end service market, it must obtain the appropriate authorizations and file tariffs as required under the Communications Act. As a condition to its service in the end-user market, Comsat must also comply with the requirements set forth in the *Comsat Structure* decision adopted today. *See* para. 5, *supra*. In our review of future Comsat applications, we shall consider specific issues related to a grant of the requested authorization. We do not propose, however, in acting upon applications to reexamine the overall public-interest questions we have decided in this proceeding.

107. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), 201-205, 403, 404 and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201-205, 403, 404 and 410 (1976), and Sections 102, 201(c)(11) and 401 of the Communications Satellite Act of 1962, as amended, 47 U.S.C. 701, 721(c)(11) and 741 (1976), that the proposed, modified authorized-user policy in CC Docket No. 80-170, is as provided for above, made final.

108. It is further ordered, that Communications Satellite Corporation (Comsat) shall, within 60 days of the release of this Report and Order, file for appropriate amendments to its authorizations under Section 214 of the Communications Act to make available to all users basic satellite-transmission capacity at all United States satellite earth stations operating with the INTELSAT global satellite system and shall effect all necessary revisions to its Tariff FCC No. 101 to implement this new policy.

109. It is further ordered, that upon implementation of the corporate restructuring provided for in CC Docket No. 80-634, the *Comsat Structure* rulemaking, FCC 82-373, —— FCC 2d —— (adopted August 5, 1982), and in the instant policy statement, Comsat may file for all necessary amendments to its existing authorizations under Section 214 of the Communications Act, and to file for any additional such authorizations as will be necessary to provide communications services between the United States and overseas points.

110. It is further ordered, that international common carriers are free to file amendments to their tariffs to offer rates separately for communications services provided solely by means of cable facilities or solely by satellite facilities or to retain their current composited rates.

111. It is further ordered, that the request by Western Union International, Inc., for waiver of § 1.415(d) of the Commission's rules and regulations, 47 CFR 1.415(d) (1981), is denied and that its Motion to Supplement Record and all associated pleadings are dismissed.

112. It is further ordered, that the above-referenced Motion by ITT World Communications Inc. to incorporate the records of CC Dockets Nos. 81-353-356 into the record of this proceeding and all associated pleadings are denied;

113. It is further ordered, that the policies adopted herein are effective immediately.

114. It is further ordered, that CC Docket No. 80-170 is hereby terminated; and

115. It is further ordered, that the Secretary shall cause this Report and

Order to be published in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix.—Summary of Comments

1. Communications Satellite Corporation (Comsat)

While it believes that the Commission has authority under the 1962 Act to permit Comsat to serve end users directly, Comsat points out the difficulties and undesirability of implementing the proposed changes in authorized user practices. It also believes that implementation of the Commission's proposed changes in circuit allocation and compositing policies is likely to be difficult, if not impossible. Further, Comsat states that there has been no demonstration that the same objectives sought in the Notice cannot be achieved through substantial reliance on already proven international policies and practices, perhaps with appropriate modifications to improve their effectiveness where necessary or desirable. Comsat notes that the Commission's policies stop at the edge of its jurisdiction and control and that foreign entities have their own sovereign laws and commercial practices which may disagree radically with U.S policies and goals. Thus, Comsat believes that the Commission must recognize that international communications are two-way and require mutual accommodation. If foreign administrations and correspondents do not permit new entrants access in their countries on terms and conditions equivalent to those we in the U.S. grant such entities, new entrants will not be able to offer end-to-end services.

Comsat further observes that even if the U.S. pursued a unilateral course, foreign administrations or international bodies may decide ultimately not to concur in any U.S. efforts to broaden entry and competition in international telecommunications. Under these circumstances, managers of companies considering entry into international markets in response to inititives such as those of the Commission, must weigh carefully their prospects for successful long-term entry.

In view of the problems the Commission has confronted in the past in initiating major international communications policy changes, Comsat believes that the Commission should defer its efforts to adopt and implement unilaterally the major policy initiatives proposed in the notice of this proceeding until it can reach agreement with the overseas entities.

Comsat states that it believes it would be better for it to continue to serve primarily as a carrier's carrier, providing service at international earth stations in accordance with present earth-station-ownership policies. Additionally, Comsat believes it should be able to deal on a non-discriminatory basis at international earth stations with all qualified entities providing end-user services, including an appropriately-structured subsidiary of the corporation which might provide end-user services. In this latter respect, Comsat would propose to place prime corporate responsibility for the provision of any end-user services upon Comsat General or a similarly-structured subsidiary. One exception, Comsat notes, is the international television service it is already authorized to provide. Other exceptions could involve service to meet a requirement of compelling public interest or one mandated by statute.

With respect to the further Commission proposals in its Notice to alter current compositing and circuit-allocation policies in hopes of achieving broader entry and competition in international markets, Comsat asserts that implementation will be difficult if not impossible because of a number of practical impediments, including the likely negative reaction of foreign entities. According to Comsat, there is substantial reason to believe that the existing industry and market structure and international environment may make implementation of the Commission's circuit allocation and decompositing proposals detrimental to consumers rather than beneficial.

In its reply comments, Comsat reiterates its view that the Commission's proposal for stimulating intermodal competition is unrealistic, since foreign entities are opposed to such competition and AT&T (the dominant carrier) can readily influence customers to use cable rather than satellite facilities. Furthermore, Comsat opposes the proposal for cost-based access to Intelsat and notes that it is beyond the scope of this proceeding. Comsat restates its opposition to removal of prescribed-use formulas and permitting decompositing of rates. If Comsat loses traffic, it states that its voice as U.S. representative in INTELSAT will decrease because voting and ownership percentages are based on U.S. usage. In light of the proven benefits resulting from the Commission's Current policies and practices, Comsat questions the appropriateness of such a major change based on nothing more than theories regarding what consumers might do, or what the result might be if they had a greater voice in selecting the underlying transmission medium. According to Comsat, the proposed policy changes will not work effectively or have any significant beneficial impact upon consumers, particularly with respect to switched services which constitute approximately 90 percent of the international communications business.

2. American Telephone and Telegraph Company (AT&T)

AT&T asserts that while it believes the Satellite Act requires that the changes in the *Authorized User* policy the Commission has proposed be made by Congress, it recognizes the Commission's view that it has the power to do so and, therefore, offers comments regarding the proposed changes. AT&T argues that regardless of whether the proposed policy changes are effective by legislative action or Commission action, they must be accompanied by the following additional policies: (a) A carrier should have the flexibility to establish its rates either on a composite or on a non-composite basis, depending upon marketplace conditions; (b) the proposed policies permitting marketplace forces to influence facility-planning decisions should lead to a lessening of Commission involvement in facility authorizations; (c) in recognition of its duty to regulate for the purpose of national defense, the Commission should continue to consider any special needs for national defense or security in acting upon facility authorizations; (d) the injection of competition in international telecommunications must be accompanied by prompt Commission action to establish parity between access cost burdens and jurisdictional separations treatment for international MTS and services competitive therewith; and (e) Commission decisions creating a competitive environment must be accompanied by other actions involving, at a minimum, changes in Comsat's corporate structure establishment of procedures for all carriers to have nondiscriminatory access to INTELSAT, and reconsideration of earth station ownership policies.

In its reply comments AT&T generally reiterates its previous arguments but states that it believes there is no need for the carriers to have cost-based access to INTELSAT if Comsat charges the carriers and its retail entity equal rates. Also, AT&T argues against requiring Comsat to unbundle its tariff charges, but supports the proposal for structural corporate changes. AT&T states that, contrary to Comsat's assertions, it will not favor cable over satellite and does not propose to

decomposite rates for its overseas MTS. AT&T again argues that for these competitive policies to succeed, the Commission should get out of the facility-planning process.

3. ITT World Communications Inc. (ITTWC)

ITTWC, in opposing the proposal, comments that having played a vital role in the government's development of Comsat as a thriving wholesaler monopolist, the Commission now invites Comsat into the competitive retail market, without meaningful recognition that the Commission is not writing on a clean slate. Congress by the Satellite Act has banned Comsat from competing with the carriers to serve the public directly. Also, since the Commission concedes that it would be patently unfair to allow Comsat to obtain a competitive advantage in the retail market by virtue of its position as a monopoly wholesaler of the international space segment, ITTWC believes that the Commission's proposals will result in defeating the competition it seeks to promote unless the Commission faces up to the monopoly structure resulting from past governmental actions. Since Comsat Global's identical charges to the carriers and noncarrier users would contain a substantial return element, the other carriers would have to treat those Comsat charges as an expense item which they would have to recover dollar-for-dollar before realizing one penny of profit. ITTWC maintains that the Commission is quick to advocate competition when it would be in Comsat's interest, but that it is loath to expose Comsat to competition. Thus, according to ITTWC the Commission's proposals are wrong as a matter of law and inherently unfair. Also, ITTWC states that the proposals will visit upon the IRCs severe anticompetitive injury which is impermissible under the antitrust laws. ITTWC contends that competition from Comsat could divert about 65–70 percent of its leased-channel revenues, or over $20 million. While large users might temporarily benefit from direct service from Comsat, this diversion of IRC revenues would result in the majority of users paying higher rates for service. Moreover, if the Commission wishes even a semblance of meaningful competition while affording Comsat some retail role, it would have to adopt conditions more realistic than those presently proposed. Such conditions should enable other carriers to obtain INTELSAT space-segment capacity on the same economic terms enjoyed by Comsat; abrogate the Comsat dominated ESOC (Earth Station Ownership Committee) consortium; allow competing carriers to establish their own separate earth stations or otherwise obtain earth station capacity on the basis of need; engender meaningful separation between the Comsat wholesale monopoly and its competitive retail operations; and assure that all competing carriers and media have an equal opportunity to appeal to marketplace forces, unhampered by unnecessary regulatory restraints. Finally, ITTWC supports elimination of prescribed-use formulas and institution of optional composite pricing.

In its reply comments, ITTWC repeats its prior arguments and emphasizes its stance that Comsat can be allowed to compete with the international carriers only if the carriers are granted cost-based access to INTELSAT facilities. ITTWC maintains that the proposed structural separation is not sufficient to prevent Comsat from engaging in anticompetitive cross-subsidization of its competitive retail services by its monopoly service.

4. Western Union International, Inc. (WUI)

WUI states that by its present rulemaking the Commission is attempting to destroy the intent of Congress in the Satellite Act to retain the competitive structure of U.S. telecommunications "by placing Comsat in a wholesaler role as a purveyor of satellite channels to the international carriers." WUI argues that the Commission has not met the burden in its proposal to reverse its previous *Authorized User* decision. WUI contends that introducing Comsat into the competitive international market is based upon a misdirected view of the law and of the current status of the telecommunications industry.

Also, maintains WUI, in addition to reversing the Satellite Act, the Commission's proposed policy is contrary to the federal antitrust laws, which were made "explicitly applicable" to Comsat in the 1962 Satellite Act. WUI states that the Commission has failed to weigh the anticompetitive implications of allowing Comsat to be a retailer and that creation of the separate Comsat subsidiary will not prevent it from engaging in concerted corporate anticompetitive conduct. While approving elimination of the prescribed-use formula, WUI asks us also to grant its separate petition for a declaratory ruling giving the carriers direct economic, operational and informational access to INTELSAT, as well as independent access to U.S. INTELSAT earth stations if Comsat is authorized to provide retail services.

In its reply comments, WUI continues to argue for maintenance of the status quo and supports NTIA's requests for another round of comments and oral argument before the Commission. WUI calls for cost-based access to INTELSAT prior to Comsat's entry. WUI contends that if Comsat is permitted to "cream skim" leased-channel revenues, the IRCs' ability to meet the existing needs of their customers will be impaired.

5. RCA Global Communications, Inc. (RCAGC)

RCAGC declares that the proposals to permit Comsat to serve anyone and to create a separate Comsat subsidiary are neither legal nor wise. RCAGC observes that in 1966 the Commission concluded that the Satellite Act's basic concept for Comsat was that of a carrier's carrier. Now, the Commission has decided that its *Authorized User* decision was wrong and that the Commission has for 14 years been enforcing an illegal policy. This is extraordinary, according to RCAGC, because the Commission, in changing its mind, relies almost solely on the words of the Act—words which have remained unchanged since their enactment in 1962. Not only the 1962 Act, states RCAGC, but also the federal antitrust laws prohibit, as a matter of law, the Commission's authorizing Comsat to provide satellite facilities and services to end users. Moreover, such direct services would not be in the public interest since Comsat could, through cream-skimming, jeopardize the continued viability of the international carriers' leased-channel services. RCAGC maintains that almost all of its leased-channel customers will shift to Comsat and that RCAGC will lose $2.7 million. RCAGC believes that a loss of that magnitude will adversely affect its ability to provide leased-channel services, which are at present only marginally profitable. Also RCAGC claims that Comsat will compete in the telex market to the detriment of users on small-volume routes.

Similarly, argues RCAGC, the intent and spirit of the Satellite Act preclude the authorization of a separate Comsat retail subsidiary. Since the primary role of Comsat is to fulfill its statutory responsibilities under the Satellite Act, the creation of a Comsat retail subsidiary would significantly increase the danger of conflicts between Comsat's statutory responsibilities and its competitive activities. On the other hand, RCAGC supports the proposal to eliminate the current satellite/cable circuit-loading requirement, since this would remove burdensome, costly regulation. It would also support

requiring Comsat to offer space segment-only tariffs. However, a far better course, according to RCAGC, would be for the Commission to allow the international carriers cost-based access to INTELSAT satellite facilities. Such access, according to RCAGC, is absolutely necessary if the carriers are to compete with Comsat on a basis that will serve the public interest.

In its reply RCAGC restates its positions and notes that savings for leased-channel users is only for the U.S.-provided half-circuit since foreign entities now impose higher charges for their half of the circuit—RCAGC compares its charge of $4140 per month for 56 kilobit half circuit to its foreign correspondents' charge of $7950–10,460. Regardless of its decision on Comsat's entry, RCAGC, maintains that the Commission should eliminate satellite-usage requirements for carriers.

6. TRT Telecommunications Corporation (TRT)

TRT argues that instead of emphasizing competition in this proceeding, the Commission should consider the dangerous, anticompetitive consequences to which its new policy will give rise. In this respect, TRT maintains that the Commission has a statutory duty to assure that IRC markets do not fall prey to anticompetitive conduct. However, TRT believes the Commission is embarking upon a course which will create precisely that dangerous situation. However, if the Commission elects to allow Comsat to enter the international satellite retail market, TRT believes it must allow the USISCs to obtain INTELSAT space-segment access at the same cost that Comsat pays. As for the proposal that Comsat be required to create a separate subsidiary for retail activities, TRT states that this scheme is flawed because there is no incentive for Comsat to reduce its monopoly wholesale charges. To the contrary, argues TRT, Comsat would have an irresistible incentive to make its own wholesale markup from INTELSAT's charges large enough to assure that its wholesale and retail revenues combined would meet its overall corporate goals, irrespective of whether its retail revenues covered its costs. Thus, according to TRT, the separate subsidiary requirements will not prevent Comsat from engaging in anticompetitive practices.

In its reply TRT states that the IRCs' present service meets needs of the public and that other issues, such as cost-based access to INTELSAT and carrier ownership of earth stations, must be decided prior to permitting Comsat's entry. TRT argues that the proposed structural separation is insufficient to guard against real harm from Comsat's ability to subsidize its competitive retail services from its monopoly service revenues.

7. Hawaiian Telephone Company (HTC)

HTC believes that the proposed change directly contravenes the Satellite Act, that it will have a significant adverse impact on the U.S. carriers and that it cannot be adequately considered in isolation from WUI's petition for a declaratory ruling concerning carrier access to INTELSAT and a new rulemaking on independent carrier earth-station ownership. If these changes are made, HTC argues that the U.S. delegation to INTELSAT will consist of the retail carriers, including the Comsat subsidiary, in proportion to their use of INTELSAT circuits. Thus, the relationship of the carriers to Comsat would be similar to the current relationship of Comsat to INTELSAT. The carriers would then have informational access to and representation at INTELSAT. HTC states that the retail carriers should have access to INTELSAT on a "cost pass-through basis." HTC states that either a long-term capital lease with a maintenance charge or an indefeasible right of user (IRU) arrangement with a maintenance fee (similar to the carriers' interest in overseas cables) would be acceptable. Also, HTC believes that the individual carriers should be allowed to own earth stations or that the existing ESOC arrangement should be modified to provide that Comsat's representation on the earth station ownership committee will be based solely on Comsat's proportionate use of a particular earth station. HTC believes that Comsat's World Systems Division should not have any earth-station-ownership interest.

Since all of these proposals are interrelated and cannot be effectively treated in separate proceedings, HTC believes that the Commission must undertake a single, comprehensive review of all the issues raised. As a result of this review, HTC claims that the Commission should return Comsat to its statutory role of a carrier's carrier, while devising other means to create effective competition.

In its reply HTC reiterates its positions opposing the proposed changes and restates the list of conditions it believes should be placed upon Comsat's entry. HTC also calls for Comsat to divest its existing retail operations.

8. American Satellite Company (ASC)

ASC argues that Comsat should not be permitted to compete with other carriers so long as Comsat has the advantage of its unique position as the monopoly wholesaler of INTELSAT space segment. However, ASC states that it would endorse the Commission's proposal for competitive entry so long as it is conditioned upon equal carrier access to INTELSAT facilities.

ASC also seeks clarification as to which carriers would be authorized to obtain INTELSAT space segment from Comsat's World Systems Division (WSD) in order to compete with Comsat's retail subsidiary. If the Commission suggests that it might limit access only to international service carriers, ASC objects to excluding other carriers, like itself, which are interested in providing international satellite communications services. ASC proposes that the Commission require the WSD to tariff rates for INTELSAT space segment separately from earth-station services so that carriers competing with the Comsat subsidiary in the retail market can build their own earth stations and will not be limited to the present ESOC structure. To eliminate what it characterizes as the Comsat subsidiary's unfair advantage in the retail market and to maximize competition, ASC proposes that the Commission grant non-ESOC carriers access to the existing ESOC earth stations upon the same terms as those available to Comsat and the other ESOC members.

In its reply ASC repeats its proposals to condition Comsat's entry and argues that Comsat's WSD should not be allowed to serve non-carriers. ASC also supports NTIA's proposal for granting to carriers IRU access to INTELSAT.

9. Southern Pacific Communications Corporation (SPCC)

SPCC submitted a letter merely indicating its interest in the proceedings, and did not file reply comments.

10. National Telecommunications and Information Administration (NTIA)

NTIA asserts that the issues raised by the Commission's NPRM are extremely complex, and that a "substantial change in the Commission's *Authorized User* policy would cause a major shift in the structure of the U.S. international telecommunications industry, a shift considerably more significant than merely introducing a new competitor." NTIA states that it supports the entry of Comsat into the retail marketplace but that it sees "serious problems likely to be associated with that entry." To deal with these potential problems, NTIA

recommends that Comsat provide retail services only through a fully-separated subsidiary, that carriers be authorized "equitable access" to INTELSAT facilities and that rules be established to maximize competition among carriers, including the Comsat subsidiary. Specifically, NTIA supports the authorization of Comsat to supply international telecommunications services but only upon the condition that the Commission adopt the following six requirements: (a) That Comsat's direct service be provided by a completely separate subsidiary; (b) that all carriers competing with Comsat be permitted to obtain investment-based non-discriminatory access to INTELSAT facilities to allow them to compete with Comsat; (c) that all carriers be provided access to INTELSAT documents in order to allow them to compete fairly; (d) that the Commission permit the carriers to offer different cable and satellite rates depending upon the transmission medium employed, and require Comsat to change its uniform tariff for service from all earth stations; (e) that competing carriers be permitted to own and operate INTELSAT earth stations, where technically feasible; and (f) that the Commission discontinue its prescribed satellite loading requirements.

NTIA agrees with the Commission that Congress never intended the Satellite Act to limit Comsat solely to the role of a carrier's carrier. NTIA also agrees with the Commission that Comsat's offering of INTELSAT service on a retail basis is not inconsistent with Comsat's statutory mission. Observing that the state of the art of communications satellite technology has changed dramatically since the Satellite Act was passed, NTIA argues that, given the changed service and technological environment, it is well within the Commission's discretion to adjust Comsat's status to fit current realities.

While there are significant benefits which it believes may stem from Comsat's provision of service directly to the public, NTIA believes there are two major detrimental impacts which could also arise: (1) The possibility of cross-subsidization; and (2) the potential for anticompetitive activities resulting from Comsat's monopoly access to INTELSAT. NTIA believes that the Commission's policy change should include safeguards against those detrimental impacts such as the creation of a separate competitive subsidiary to carry on end-to-end services and the granting to the carriers of some form of equitable access to the INTELSAT system. If these safeguards are adopted, NTIA believes the Commission should permit Comsat to enter the retail marketplace.

In its reply comments NTIA emphasizes that the safeguards it recommended must be made pre-conditions to Comsat's entry in order to prevent anticompetitive actions. NTIA argues that the unbundling remedy proposed by the Department of Justice (DOJ) is not, by itself, enough—although it supports DOJ's proposal to require Comsat to unbundle its rates. NTIA is especially concerned that Comsat will be able to use its deep pocket for predatory pricing of its retail services unless the conditions NTIA proposes are adopted. Finally, NTIA supports elimination of prescribed satellite-use formulas and institution of voluntary rate decompositing.

11. Department of Defense (DoD)

DoD reiterates its request in its petition for declaratory ruling that government agencies be granted authorized user status. DoD states that its filing in the matter contained an exhaustive and thorough analysis that demonstrates that the statutory language of the 1962 Act imposes no limitation or restriction upon the U.S. government's ability to contract directly with Comsat for service. DoD maintains that the Commission's limitation upon the U.S. government's direct access to Comsat, set forth in the *Authorized User* decisions, has no basis either in the statutory language of the Satellite Act or its legislative history.

DoD submits that the U.S. government's status under the Satellite Act is a clearly separable issue of law which is unrelated to the numerous economic and policy issues otherwise to be addressed in this proceeding. Irrespective of the Commission's ultimate resolution of those issues related to Comsat's eligibility to serve non-carrier users directly, DoD maintains that the Commission must eliminate the improper and unlawful barrier it has established to direct dealings between the U.S. government and Comsat.

Commenting on some of the issues raised in the Commission's Notice herein, DoD states it is aware of no national security considerations which would militate against elimination of composite rates or prescribed-use formulas. Indeed, at this particular state of development in the international communications marketplace, DoD suggests that continuation of prescribed-use formulas might also be hindering technological advancement, particularly with respect to cable facilities. However, the Commission should specifically condition the adoption of any such proposals upon the continued absence of detrimental impact upon national defense and security considerations.

In its reply, DoD restates its position that regardless of the Commission's decision with respect to other noncarrier users, government agencies are specifically authorized by the Satellite Act to take service directly from Comsat.

12. Department of Justice (DOJ)

DOJ favors allowing Comsat to provide international satellite communications services directly to the public and the U.S. government, but does not believe that it is "either necessary or appropriate" to require Comsat to offer such services through a fully-separated subsidiary as a means to avert cross-subsidization. While disagreeing with the Commission's proposal to deal with the cross-subsidy issue through requiring Comsat to form a subsidiary, DOJ suggests that other changes are necessary in order to achieve the maximum benefits of competition in the international telecommunications market. Specifically, DOJ proposes that the Commission permit independent ownership and operation of earth stations, and that it require Comsat to unbundle its earth-station and satellite services. DOJ believes that these proposals would, if adopted, substantially reduce Comsat's incentive and ability to cross-subsidize competitive services.

DOJ also agrees with the Commission's conclusion that it has broad discretion to determine who should be permitted to deal directly with Comsat, consistent with the public interest and the goals of the Satellite Act and the Communications Act. As a separate matter, DOJ argues that the U.S. government is specifically authorized by the Satellite Act to contract directly with Comsat for service. DOJ also agrees with the Commission that, as a matter of policy, it should permit Comsat to offer its services directly to the public because doing so will promote the public interest in increased competition and more efficient use of the satellite and cable facilities. In addition, DOJ supports termination of the Commission's composite rate and proportionate-fill policies which have inhibited competition between satellite and cable technologies. According to DOJ, the proposals in the NPRM, if adopted, will permit the entry of a major competitor

which has the capability and incentive to exploit international satellite services. Moreover, DOJ believes that Comsat's entry into the retail market, and the provision of separate tariffs based upon the respective costs of satellite and cable promise to bring substantial benefits to consumers of international communications services. DOT believes that by allowing Comsat and the U.S. international service carriers to charge consumers separate rates based on satellite costs would make the cost savings accruing from the use of satellite technology directly available to the public, thereby allowing substantial rate reductions.

In its reply DOJ reiterates its support for the Commission's proposals and the remedies it proposed to prevent Comsat from engaging in anticompetitive practices. DOJ refutes the IRC arguments against Comsat's entry on the grounds that, on balance, it believes the benefits of entry outweigh the potential for harm. DOJ also supports independent ownership of earth stations and the unbundling of Comsat's charges as a means of insuring against anticompetitive conduct. As for Comsat's comments about the reluctance of foreign correspondents to deal with new entrants, DOJ states that Comsat's status in INTELSAT will assure it access to foreign correspondents.

13. Aeronautical Radio, Inc. (ARINC)

ARINC strongly supports the Commission's conclusion that the Satellite Act permits it to grant noncarriers direct access to Comsat services. ARINC believes the Commission should change its policy because allowing direct access to Comsat's services will enable ARINC to fulfill its obligations to the international air transport community and to the public and allow it to provide service in the most effective manner possible. According to ARINC, the Commission's proposal in this rulemaking would permit users to avoid the added cost, complexity and inefficiency of obtaining necessary satellite facilities, if available at all, through carriers other than Comsat.

ARINC observes that in the 1966 *Authorized User* decision the Commission was concerned that a significant diversion of leased-channel traffic from the IRCs could completely wipe out their earnings, and, thus, decided that the carriers should be insulated from competitive forces. Since then, ARINC believes events indicate that the validity of the Commission's conclusion was questionable and that the Commission's policy has forced end users to face higher costs for overseas circuits than they otherwise would. Also, ARINC believes that the Commission's earlier decision to protect the IRCs has denied the public the benefits of competition between cable and satellite services. ARINC maintains that there is no indication that such competition would have harmed the IRCs. Under present market conditions, argues ARINC, there is no longer any reason for the Commission artificially to restrict access to Comsat's services.

ARINC also states that the addition of a competitor with Comsat's experience in the field of satellite technology is bound to inure to the advantage of consumers, particularly in regard to pricing, innovation in service, and expansion in availability of satellite communications. First, ARINC believes that the proposed Comsat retail entity would have a strong increased incentive to reduce prices and increase satellite circuit demand *vis-a-vis* cable demand; and, second, that given the Commission's proposal to reconsider its proportionate-fill formulas and composite-rate policies, Comsat and other carriers may be able to pass through the full economies of satellite technology to the public.

In its reply ARINC restates its prior arguments and attempts to refute the IRCs' contention that they will lose almost all of their leased-channel revenues to Comsat. In any event, ARINC argues that if the IRCs are correct, they are performing no economically worthwhile function. ARINC calls the IRC arguments in opposition to the Commission's proposal speculative and agrees with DOJ that the Commission has ample powers to control any predatory pricing by Comsat.

14. Societe Internationale des Telecommunications Aeronautiques (SITA)

SITA is a nonprofit, cooperative organization created by the airline community to meet its telecommunications service needs and to provide airlines with a specialized, dedicated, non-government packet-switched network. For its new advanced network (Data Transport Network), SITA states that it needs reasonably priced, wideband international satellite data circuits, not now routinely available from the IRCs, and that, where such circuits are available, the rates therefor do not reflect the cost savings inherent in wideband technology. Because the rates charged by the IRCs for satellite circuits include costs associated with unused terrestrial systems, they allegedly are likely to offer SITA little, if any, cost savings or new services. SITA therefore states that it wholeheartedly supports the Commission's proposals.

15. Dow Jones and Company (Dow Jones)

Dow Jones endorses the tentative intentions of the Notice in this proceeding because it believes it is readily apparent that the existing *Authorized User* policies "severely impede the financial ability of news disseminators to apply satellite technologies in international operations." Dow Jones states that the high cost of international communications services as well as the failure of the IRCs to offer unique and innovative services designed to meet those users' needs have effectively blocked the extension into the international market of news-gathering and news-distribution techniques now commonly utilized domestically. Dow Jones believes that permitting Comsat to provide service directly to users and by abandoning past ratemaking practices of averaging costs of international satellite and cable services will significantly reduce the costs for international communications services. Dow Jones, therefore, believes that the international community will be able to enjoy the benefits produced by the broadened dissemination of news and information which the national community already enjoys. Dow Jones states that its successful experience with the low costs of domestic satellite services may serve as an example of what the future could allow on the international level if current policies are changed along the lines proposed by the Commission in this proceeding.

16. Securities Industry Automation Corporation (SIAC)

SIAC is a wholly-owned subsidiary of the New York and American Stock Exchanges and provides communications services on a cooperative basis to the securities industry. SIAC supports the Commission's proposals to remove artificial barriers to competition such as the *Authorized User* policy. SIAC points out that international communications have not experienced the innovations and lower prices the domestic market has enjoyed. SIAC believes that competition between the cable and the satellite is feasible in the leased-channel market and that it should be encouraged. However, SIAC notes that because the other half of the circuit is controlled by foreign entities who may not want such competition, there may be

a problem in implementing the policy changes.

17. American Communications Association (ACA)

ACA is a labor union representing a number of U.S. international communications workers. ACA argues that it does not believe Comsat should be authorized to provide service, either as a matter of law or as a matter of policy. ACA believes that Comsat's entry would have an adverse impact upon the viability of the existing carriers and that it will therefore adversely affect the wages, hours, conditions of work, health and welfare benefits, pension equities and job security of the workers employed by those carriers. Thus, the Commission's proposed action would seriously undermine the welfare of the work force and tip the balance toward the employers. Also, even if Comsat were required to offer channels to individuals and carriers at the same rates, ACA believes that the inevitable result would be the lessening of competition in violation of the Sherman Act. In conclusion, ACA opposes any change to the present policy.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination That Euphorbia Skottsbergii var. Kalaeloana ('Ewa Plains 'Akoko) Is an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines the 'Ewa Plains 'akoko (*Euphorbia skottsbergii* Sherff var. *kalaeloana* Sherff) to be an Endangered species. This action is being taken because of extensive past and potential modification of this plant's only known range on the 'Ewa Plains, near Barbers Point, Oahu, Hawaii. The proposal seeks to provide protection to this species under the Endangered Species Act of 1973, as amended.

DATE: This rule becomes effective on September 23, 1982.

ADDRESS: Interested persons or organizations having questions concerning this action may address them to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION: The 'Ewa Plains 'akoko (*Euphorbia skottsbergii* var. *kalaeloana*) is a shrub known only from the 'Ewa Plains of Oahu, Hawaii, in the vicinity of Barbers Point. Another variety of the same species (*Euphorbia skottsbergii* var. *skottsbergii*), which formerly was found closer to the shoreline in the same vicinity, was last seen in 1932 and is presumed extinct. The 'Ewa area has been subject to varying levels of disturbance over the past several hundred years and presently supports predominantly non-native vegetation dominated by kiawe (*Prosopis*) and koa haole (*Leucaena*), with remnant populations of native species. Unless measures are instituted to provide for the conservation of this plant, continued habitat degradation is likely to result in its extinction in the wild. It is one of two known survivors of four plant taxa originally endemic to the 'Ewa Plains.

Background

Section 12 of the Endangerd Species Act of 1973 (the Act) directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director of the U.S. Fish and Wildlife Service published a notice the **Federal Register** (40 FR 27823) of his acceptance of the Smithsonian report as a petition under Section 4(c)(2) of the Act. The plants named in this petition were placed under review for addition to the list of endangered and threatened plants, and on June 16, 1976, the Director published a proposal (41 FR 24523) to list some 1,700 such taxa as Endangered. This proposal was based on the Smithsonian Institution's petition as well as comments and other information received by the Service. *Euphorbia skottsbergii* var. *kalaeloana* was thought to be extinct at the time of both the petition and the notice of review, and was included in both under that status, but was among the taxa proposed for listing as Endangered in 1976.

The Endangered Species Act Amendments of 1978 subsequently required that any proposal to list a species as Endangered or Threatened be withdrawn unless made final within 2 years. A period of one year was allowed following passage of the Amendments on November 10, 1978, during which no proposals were to be withdrawn under this provision. On December 10, 1979, the Service published a notice of withdrawal of that portion of the June 16, 1976, proposal that had not been the subject of final action.

Euphorbia skottsbergii var. *kalaeloana* was again proposed for Endangered status on September 2, 1980 (45 FR 58166), based on information available at the time of the 1976 proposal and information gathered between that time and the date of the proposal's withdrawal, as well as new information provided under contract by the Department of Botany of the University of Hawaii (Char and Balakrishnan, 1979).

Regulations establishing prohibitions and permit procedures for Endangered and Threatened plant species appear at 50 CFR Part 17.

The Department has determined that this is not a major rule and does not require the preparation of a regulatory impact analysis under Executive Order 12291. Because this rule was proposed before January 1, 1981, a determination of effects on small entities is not required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507).

Summary of Comments and Recommendations

A letter was sent to the Governor of the State of Hawaii on September 9, 1980, notifying him of the proposed rule listing *Euphorbia skottsberggi* var. *kalaeloana*. On September 16, 1980, notifications were sent to appropriate Federal agencies and other interested parties. The September 2, 1980, proposed rule invited all interested parties to submit factual reports or information that might contribute to the formulation of a final rule.

Comments were received from the Governor of Hawaii; the Department of the Army, Office of the Chief of Engineers; the Department of the Navy, Facilities Engineering Command; the U.S. Department of Agriculture, Forest Service; the Office of Biological Conservation of the Smithsonian Institution; and four private individuals.

All comments received in the period from September 2, 1980 to December 19, 1980, have been considered in formulating this final rule. The Governor

opposed listing of this taxon on the basis that the Army Corps of Engineers and the private developer involved at Barbers Point are presently making adequate provisions for its perpetuation through the proposed establishment of sanctuaries and of transplanted populations with in the 'Ewa Plains. He also cited the importance of the proposed deep-draft harbor to the people of Hawaii because of their heavy dependence on ocean transportation as a factor, stating that, "the listing of this plant will have a severe adverse economic and social impact on Hawaii."

Although the Service recognizes that private and governmental entities are presently involved in various activities aimed at ensuring the survival of the 'Ewa Plains 'akoko, it does not believe that the results of these efforts are yet conclusive. Presently available information, including that contained in comments summarized below, indicates a pattern of long-term decline and recent significant losses in this plant. Unless more effective means are applied to its conservation than have been heretofore, the Service believes it to be in danger of extinction throughout all of its range. The Service has conducted an informal consultation with the Army Corps of Engineers indicating that development of the harbor and dockside facilities is not likely to jeopardize the continued existence of the 'akoko, and thus would not be hindered by its listing.

Comments Concerning the Species' Status

All respondents, with the exception of the Governor and the Smithsonian Institution, which provided no information or recommendation, indicated that the status of the plant was such as to warrant listing as Endangered. The Navy originally recommended against listing, citing supposed abundance of the taxon at Barbers Point Naval Air Station. A survey of the station, however, conducted by the Service's Hawaii Area botanist and a Navy official, confirmed the Service's status report. Although subsequent surveys have confirmed the presence of more individuals of the species on the Naval Air Station than were indicated by the 1979 status report, the Navy no longer opposes the listing of this taxon.

The Army Corps of Engineers indicated that, "extinction throughout all or a significant portion of its range appears to be a real danger unless some protection status is afforded. We, therefore, fully support the proposed determination of Endangered status for *Euphorbia skottsberggi* var. *kalaeloana.*"

In a memorandum dated September 29, 1980, transmitted by the Forest Service, their Pacific Islands Forester notes that, "development and land modification are rapidly causing fewer [sic] 'Ewa Plains 'akoko plants. A site with about 100 plants was bulldozed near the oil refinery a year ago. Additional plants on the west beach side of the harbor were cleared several weeks ago during quarrying operations. This included two AECOS experimental sites. Present estimates of plants around the harbor are between 500 and 1000 of an estimated 2,450 original plants 4 years ago."

In a letter dated September 25, 1980, Keith R. Woolliams, Director of Waimea Arboretum and Botanical Garden, indicated that a major sub-population of the 'akoko would shortly be bulldozed and that there were plans by the owner of the land involved to relocate 2000 plants from this site, but that he doubted the attempt would be successful because he knew of no provision for after-care and because the relocation was to be attempted at the worst time of year for transplanting.

Comments Regarding Present Recovery Efforts

The Governor noted that the James Campbell Estate, the major private landowner in the area in which the 'akoko occurs, had initiated propagation experiments as early as 1977 and 1978 and that some plants from these experiments are still alive in a nearby transplant site. He also stated that both the Campbell Estate and the Army Corps of Engineers are conducting studies regarding propagation, habitat, and population biology of the 'akoko.

The Forest Service's Pacific Islands Forester reports that, "an effort was made to transplant 469 plants in 1977 and 1978 by Kawahara Nursery and Garden Landscaping Company. Less than seven of the original plants are still alive in the nearby transplant site * * * Failure of transplanted plants to establish viable seedlings in the transplant site close to the ocean indicates the need to investigate habitat and population biology requirements of the plant * * *" He further states that "* * * the advanced 60–90 day notice of intention to list the plant is causing hasty transplant decisions to be made that could jeopardize Federal funding of the harbor." and that, "Several organizations are presently trying to transplant remaining 'akoko plants around the harbor—an effort known to cause heavy mortality in an already depleted gene pool—to guarantee no delay in the construction of the harbor."

Although the Service has not been able to confirm the figures provided by the Forest Service, information on file concerning transplants attempted in 1977 and 1978 by Kawahara Nursery and Landscaping indicate very low survival of transplanted individuals. Further transplant experiments undertaken by the Kawahara firm during 1979 were apparently unsuccessful, possibly as a result of inadequate after-care of the transplanted individuals.

The Army Corps of Engineers commented that:

> In anticipation of formal listing and out of concern for the status of this rare plant, the Corps has initiated, by contract, a detailed investigation of the ecology and horticulture of *Euphorbia skottsbergii* var. *kalaeloana.* This study has been informally coordinated with area representatives of the FWS and is expected to yield valuable information regarding physical and biological constituent elements of the plant and ecological evaluations of present and potential habitat sites. Such information should facilitate the establishment of transplant and sanctuary sites and successful propagation of the species should these become necessary as a result of formal listing and the construction of the deep-draft harbor.

The Service believes that present conservation efforts aimed at maintaining the 'Ewa Plains 'akoko, while ultimately of use in developing management for this plant, do not yet effectively provide for its survival. In fact, some attempts at establishing protected populations by transplant may be actually contributing to the plant's decline. A coordinated conservation plan facilitated by this listing is believed vital to the plant's survival.

Comments Regarding the Appropriateness of Transplant as an Element in Recovery of the Species

The September 2, 1980, proposal stated that plans developed to ensure the continued existence of the 'akoko, "may include the establishment of new populations of this taxon in protected areas within the 'Ewa Plain as well as protection of existing populations on property presently under Federal control or acquired for this purpose." Dr. Clifford W. Smith, of the Department of Botany of the University of Hawaii, indicated that he did not support any plan to relocate the plant because, "This suggestion essentially accepts that if the deep-draft harbor proposal for the area is implemented the U.S. Government is prepared to support the deliberate eradication of the most significant population of this species in the wild."

As a general rule, it is the policy of the Service not to recommend

transplantation as a primary conservation measure for Endangered or Threatened plants. In the present case, transplant may be undertaken as a means of reintroducing the 'akoko into areas of its probably historic range from which it is now absent. It should be emphasized that transplant is envisioned as only one element in probable recovery efforts for this plant, which would also include protection for some existing populations. The Service also recognizes that any transplant should be undertaken only after a thorough investigation of the habitat requirements of the 'akoko, which are not presently well known, and use methods that have proven successful in establishing plants in the wild.

Dr. Gerald Carr, of the Department of Botany, University of Hawaii, expressed reservation concerning the eventual fate of transplanted populations of the 'akoko if development continues in the 'Ewa area. The Service appreciates this concern and intends that plans for the conservation of this plant include a means of permanently protecting representative populations within the 'Ewa Plains.

Both Mr. Woolliams and the Forest Service's Pacific Island Forester commented on the feasibility of methods of propagation and transplant and the probable need for some after-care of any possible transplants. Mr. Woolliams noted that, in his opinion, the easiest, cheapest, and most effective solution would be to fence off a portion of the area on which the plants presently occur and transplant plants from the surrounding area to within the enclosure. Although this may eventually prove feasible and effective, the Service does not believe that present information indicates that such an effort to increase local population density artificially would necessarily benefit the plant. If it is assumed that the plants exist in equilibrium with their habitat in those areas in which they presently occur and their numbers are limited by availability of suitable habitat and ability to colonize such habitat rather than an intrisically low reproductive rate, it sems unlikely that an attempt to increase population density would be appropriate unless associated with some favorable alteration of habitat to support the greater density. At present, it is uncertain what kind of alteration, if any, might permit locally increased population density.

Comments Regarding the Designation of Critical Habitat

The September 2 proposal expressed the view of the Service that the overwhelmingly non-native vegetation in which the 'akoko now occurs could not be said to be essential to its survival and thus that no Critical Habitat could be specified for this plant. The Army Corps of Engineers agreed with this view.

Dr. Gerald Carr, of the Department of Botany, University of Hawaii, agreed that very little remained of the native ecosystem of which the *Euphorbia* was originally a part, but suggested that some Critical Habitat be defined for the plant at some time so that it " * * * will have a refuge somewhere on the 'Ewa coral plains where it has some chance of survival. After all, this is the only place that the species has demonstrated its ability to survive."

The Service agrees that conservation of this taxon should be focused on its maintenance within the 'Ewa coral plain. It believes, however, that for the foreseeable future, this should be accomplished without a designation of Critical Habitat because the knowledge necessary to identify constituent elements critical to the survival of the plant is not available. Should such information become available at some future time, the Service will consider designation of Critical Habitat.

Conclusion

After a thorough review and consideration of all the available information, the Service has determined that *Euphorbia skottsbergii* Sherff var. *kalaeloana* Sherff is in danger of becoming extinct throughout all of its range. Section 4(a) of the Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (45 FR 13010–13026, codified at 50 CFR Part 424) set out five general classes of factors to be considered in making any such determination. The Service has determined that *Euphorbia skottsbergi* var. *kalaeloana* is primarily affected by factors 1 and 5. All five factors as they apply to the status of *Euphorbia skottsbergii* var. *kalaeloana* are:

1. *Present or Threatened destruction, modification, or curtailment of habitat or range.* The precise natural range of this taxon is unknown, but probably did not go beyond the coralline plains of the 'Ewa area. The loss of native habitat within this area began with Polynesian settlement of the islands and has continued down to the present. This has been so thorough that no completely native habitat can be said to be present any longer. Documented loss of the predominantly non-native vegetation in which the *Euphorbia* now occurs, with concomitant loss of a significant number of *Euphorbia* plants has continued to the present.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Does not apply to this species.

3. *Disease or predation (including grazing).* None known.

4. *Inadequacy of existing regulatory mechanisms.* This taxon is not presently regulated.

5. *Other natural or manmade factors affecting continued existence.* Although the principal factor endangering this taxon is past and potential loss of habitat, it is possible that its reproductive success has been affected by decline of native pollinating insects. Competition from aggressive weedy species that now dominate vegetation in the area has also undoubtedly been a factor in its decline.

Critical Habitat

The Act defines Critical Habitat as:

(i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of [the] Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific area outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of [the] Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Section 4(a)(1) of the Act requires that, to the maximum extent prudent, Critical Habitat be specified for a species at the time it is proposed for listing as Endangered or Threatened.

No Critical Habitat was specified in the September 2, 1980 proposal because, "[The] species proposed for listing as Endangered no longer is found in a native habitat and, although it survives in non-native vegetation, the greatly altered ecosystem in which it occurs cannot reasonably be said to be essential to its conservation." The Service continues to believe that essential elements cannot presently be identified in the habitat occupied by the 'akoko. Should further study of its physical and biological requirements pursuant to a coordinated conservation plan, as described previously, identify areas deemed essential to its conservation, they may be designated as Critical Habitat.

Effects of This Rule

The Act and implementing regulations published in the **Federal Register** of June 24, 1977 set forth a series of general prohibitions and exceptions which apply to all Endangered plant species. These

regulations are found at 50 CFR 17.61, and are summarized below.

With respect to *Euphorbia skottsbergii* var. *kalaeloana*, all prohibitions of Section 9(a) of the Act, as implemented by § 17.61, will apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell this species or offer it for sale in interstate or foreign commerce. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and § 17.62 also provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances.

Because *Euphorbia skottsbergii* var. *kalaeloana* is not presently traded commercially or exported, these prohibitions are not likely to have significant effects. Some imports and exports in the course of scientific research may have to be conducted under permit from the Service.

Section 7(a) of the Act also requires that Federal agencies carry out programs for the conservation of Endangered and Threatened species and that they ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of such species. A procedure is also established whereby particular Federal actions may be exempted from compliance with section 7(a). Provisions for interagency cooperation in complying with Section 7(a) of the Act are codified at 50 CFR Part 402. The present rule will allow the U.S. Army Corps of Engineers and the U.S. Navy's Barbers Point Naval Air Station to consult formally with the U.S. Fish and Wildlife Service concerning their activities in the Barbers Point area insofar as they might affect the 'Ewa Plains 'akoko, so that plans can be developed to ensure its continued existence. Such plans may include the establishment of new populations of this taxon in protected areas within the 'Ewa Plain as well as protection of existing populations on property presently under Federal control or acquired for this purpose. The present rule is not expected to significantly affect the harbor development or management of the Naval Air Station.

National Environmental Policy Act

An Environmental Assessment has been prepared in conjunction with this rule. It is on file at the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours. This Assessment forms the basis for a decision that the present rule is not a major Federal action that would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969.

Information Sources

U.S. Army Engineer District, Honolulu, Hawaii 1976. Barbers Point Harbor-Design Memorandum No. 1, Plan Formulation.

Char, W. P. and N. Balakrishnan 1979. 'Ewa Plains Botanical Survey. Department of Botany, University of Hawaii at Manoa.

Author

This rule is published under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; 87 Stat. 884). The primary author of this proposed rule is Dr. John Fay, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

List of Subjects in 50 CFR Part 17

Endangered and Threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Accordingly, § 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended, as set forth below.

1. Section 17.12 is amended by adding, in alphabetical order by family, genus, and species, the following plant taxon:

Species		Historic range	Status	When listed 118	Critical habitat	Special rule
Scientific name	Common name					
Euphorbiaceae—Spurge family: *Euphorbia skottsbergii* var. *kalaeloana*.	'Ewa Plains 'akoko	USA (HI)	E		NA	NA

Dated: August 3, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-23010 Filed 8-23-82; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 2819-157]

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

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

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce issues this notice to close the recreational fishery for salmon in the fishery conservation zone between Leadbetter Point, Washington, and the U.S.-Canada International Boundary (subarea A) at midnight on August 19, 1982. The Director of the Northwest Region, National Marine Fisheries Service, has determined that the recreational quota of 115,000 coho salmon for this subarea will be reached by that date. This action is necessary to ensure that quotas for coho salmon are not exceeded in 1982.

EFFECTIVE DATES: Closure of subarea A to recreational salmon fishing is effective from 2400 hours Pacific Daylight Time, August 19, 1982, until 2400 hours, Pacific Standard Time, December 31, 1982.

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

SUPPLEMENTARY INFORMATION: Emergency regulations to implement a 1982 amendment of the fishery management plan (FMP) for the Commercial and Recreational Fisheries off the Coasts of Washington, Oregon, and California were published in the **Federal Register** (47 FR 21256) for the commercial fishery north of Cape Blanco, Oregon, and the coastwide recreational fisheries. These emergency regulations were effective on May 14, 1982, for a 45-day period and were extended for an additional 45 days on June 28 to be effective through August 11, 1982 (47 FR 28105). Final rules to implement the 1982 amendment became effective on August 12, 1982 (47 FR 35489).

The regulations specify at § 661.22(a)(2) that when a subarea quota is projected by the Director, Northwest Region, National Marine Fisheries Service (Regional Director), to be reached by a certain date, the Secretary of Commerce (Secretary) shall, by publishing a field order in the **Federal Register**, close the fishery as of the date the quota will be reached in that subarea. Based on catch and effort information supplied by the Washington Department of Fisheries (WDF), the recreational fishery in subarea A will reach the specified quota of 115,000 coho salmon by August 19, 1982. The Secretary, therefore, issues this notice that the recreational salmon fishery in subarea A will be closed effective midnight, August 19, 1982.

The Regional Director consulted with the Director of WDF and with representatives of the Pacific Fishery Management Council regarding this closure. The Director of WDF will close the fishery inside 3 miles at the same time the fishery is closed in the fishery conservation zone.

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

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

List of Subjects in 50 CFR Part 661

Fish, Fisheries, Fishing, Indians.

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

Dated: August 19, 1982.

William H. Stevenson,

Deputy Administrator, National Marine Fisheries Service.

[FR Doc. 82-23127 Filed 8-19-82; 4:30 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 47, No. 164
Tuesday, August 24, 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

Rural Electrification Administration

7 CFR Part 1701

Proposed Revision of REA Requirements for Aerial and Underground Telephone Cable, PE-22

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend 7 CFR Part 1701, Appendix A—REA Bulletins, by revising REA Bulletin 345-13, REA Specification for Aerial and Underground Telephone Cable, PE-22. This revision will incorporate the following changes: (1) Allow the use of an optional, lower cost shield design, (2) the preconnectorization of cables 100 pair and larger, and (3) tightening, in two steps, the capacitance unbalance to ground requirement. These options along with their respective requirements will reflect aerial and underground cable products that are being manufactured and used currently in rural telephone systems.

DATE: Public comments must be received by REA no later than October 25, 1982.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382-8667. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend 7 CFR Part 1701, Appendix A—REA Bulletins, by revising REA Bulletin 345-13, REA Specification for Aerial and Underground Telephone Cable, PE-22. This proposed action has been reviewed in conformance with Executive Order 12291, Federal Regulation. The action will not: (1) Have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies; or (3) result in significant adverse effects on competition, employment, investment or productivity and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act and is not subject to OMB Circular A-95 review. This program is listed in the Catalog of Federal Domestic Assistance as 10.851, Rural Telephone Loans and Loan Guarantees.

A copy of the proposed Bulletin 345-13 is available upon request from the address indicated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

A review of the current specification revealed that by not allowing these proposed options and their associated requirements, the specification would not reflect today's aerial and underground cables being produced by manufacturers. These proposed options which are improvements in the production of aerial and underground cables have been achieved through advancements in technologies.

This action would bring REA's specification into conformance with present-day aerial and underground cables without affecting the current designs or manufacturing techniques of wire and cable manufacturers. This action would affect REA borrowers in that they will receive and install improved quality aerial and underground telephone cables without increased cable cost. Also these cables would provide better service performance which would result in reduced maintenance costs for our borrowers.

Therefore, it is proposed to amend Appendix A—REA Bulletins by revising REA Bulletin 345-13, REA Specification for Aerial and Underground Telephone Cable, PE-22.

List of Subjects in 7 CFR Part 1701

Administrative practice and procedure, Loan programs—communications, Telecommunications, Telephone.

Dated: August 17, 1982.

Jack Van Mark,
Acting Administrator.

[FR Doc. 82-23138 Filed 8-23-82; 8:45 am]
BILLING CODE 3410-05-M

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins PE-7, Specification for Parallel Conductor Drop Wire, Bulletin 345-36

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend Appendix A by issuing a revised Bulletin 345-36, REA Specification for Parallel Conductor Drop Wire, PE-7. Improved materials and manufacturing techniques have resulted in the development of a smaller, more physically rugged drop wire which is less costly than designs reflected in the existing PE-7. This proposal will permit REA borrowers to take advantage of this improved technology in the provision of rural telephone service.

DATE: Public comments must be received by REA no later than October 25, 1982.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382-8667. The draft Regulatory Impact Analysis describing the options considered in

developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A by issuing a revised Bulletin 345–36. This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. The action will not: (1) Have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment or productivity and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act and is not subject to OMB Circular A–95 review. This program is listed in the Catalog of Federal Domestic Assistance as 10.851, Rural Telephone Loans and Loan Guarantees.

Copies of the draft bulletin are available upon request from the address above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

Background

There have been significant advances in technology since the last revision of this bulletin in 1966. The existing bulletin is not applicable to much of the new technology so that as a result REA borrowers would be required to use outmoded less cost-effective technology. If the existing specification is deleted rather than revised, there would be no REA specification for parallel conductor drop wire. Unacceptable material could be sold to REA borrowers which could result in the loss of telephone system effectiveness and a threat to REA loan security. As a result, revision of the bulletin is being proposed since it is considered to be in the best interest of the program.

List of Subjects in 7 CFR Part 1701

Loan programs—communications, Telecommunications, Telephone.

Dated: August 17, 1982.

Jack Van Mark,

Acting Administrator.

[FR Doc. 82-23140 Filed 8-23-82; 8:45 am]

BILLING CODE 3410-15-M

Packers and Stockyards Administration

9 CFR Part 201

Surety Bond Requirements; Proposed Regulations and Policy Statements

AGENCY: Packers and Stockyards Administration, U.S.D.A.

ACTION: Notice of proposed rulemaking; review of existing regulations.

SUMMARY: This document proposes to change the surety bond requirements for small volume dealers in livestock and market agencies buying livestock on commission (order buyers), previously proposed and published in the **Federal Register** on February 1, 1982, and offers further opportunity for comment on § 201.30 which establishes the required level of bond coverage for such dealers and order buyers. This proposal would require all dealers and order buyers subject to the Act to file a surety bond or bond equivalent, and the minimum acceptable bond for all dealers and order buyers would be $10,000. The $10,000 minimum bond will effectively double the amount of bond proceeds currently available to livestock sellers in the event of nonpayment or financial default by small volume dealers or order buyers.

Also proposed is a new regulation which would permit market agencies, dealers, and packers to secure and maintain an irrevocable letter of credit in satisfaction of the bond requirement. The agency believes this alternative method of compliance will afford persons subject to the Act greater flexibility in achieving compliance and may reduce their costs of operations.

DATE: Comments must be received on or before October 25, 1982.

ADDRESS: Comments may be mailed to the Administrator, Packers and Stockyards Administration, Room 3039, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Comments received may be inspected during normal business hours in the office of the Administrator.

FOR FURTHER INFORMATION CONTACT: John A. Sands, Jr., Director, Livestock Marketing Division, phone (202) 447–6951.

SUPPLEMENTARY INFORMATION: On February 1, 1982, a notice of proposed rulemaking regarding the bonding requirements for dealers and order buyers, §§ 201.29 and 201.30, was published in the **Federal Register** (47 FR 4668). The February proposals exempted dealers and order buyers whose annual livestock purchases did not exceed $500,000 from the requirement of filing and maintaining a bond, required the filing of bonds and trust fund agreements on forms approved by the Administrator, and eliminated the grandfather clause in § 201.29(c). Section 201.30 as proposed established the $10,000 minimum bond for those dealers, market agencies and packers required to file and maintain a bond, raised to $75,000 from $50,000 the amount over which the 10 percent excess calculation would apply for dealers and order buyers, and required a $5,000 multiple for all bonds.

The comments filed in response to the February 1 notice overwhelmingly opposed the changes to § 201.29, thereby prompting the Administration to reconsider the proposed small volume band exemption. As a result, the agency will not implement that exemption. Section 201.30 as proposed on February 1, 1982, was well received and is unchanged by this document. However, as §§ 201.29 and 201.30 interact so closely and as the changes suggested for § 201.29 herein may create a new class of commenters affected, in some way, by both sections, both regulations are republished herein. The comments received on § 201.30 in reply to the February 1, 1982, proposal will be considered as applying to this notice.

Requirement to File and Maintain Bond

Twenty-four of the twenty-eight responses to the **Federal Register** notice addressed § 201.29. Twenty-one of the comments strongly opposed the proposal to exempt dealers and order buyers whose annual livestock purchases do not exceed $500,000 from the requirement of filing and maintaining a bond. The only support generated for the February proposals regarding § 201.29 was expressed by three comments which supported "en massee" and without specific reasons the administration's regulatory efforts.

The opposition repeatedly voiced four arguments against the small-volume bond exemption: (1) That the bond requirement provides valuable financial protection to industry participants; (2) That small volume market agencies and dealers can and have caused damaging economic losses; (3) That reliance on individual state bonding requirements should the federal standard be removed will not be adequate to protect interstate dealing; and (4) That the industry benefit of underwriter review of financial condition will be lost.

More specifically, the Wisconsin Livestock Dealers Association stated: "* * * a $5,000.00 bond creates responsibility to the holder. We need more bonding not less."

The Commonwealth of Virginia responded: "In Virginia, there are a considerable number of market agencies and dealers buying and selling livestock. With the present day economic situation existing in this country, the elimination of the bonding requirement could have a serious impact on many of our farmers who market livestock through these channels. In times of recession and poor market conditions, we feel it is absolutely necessary to maintain the bonding requirement for the protection of our livestock producers marketing livestock through these channels." Additionally, the Commonwealth of Virginia recommended that the minimum bond for small volume dealers and market agencies be increased to $10,000.

Echoing similar opposition, the National Cattlemen's Association wrote: "NCA submits that the P&S proposal to exempt market agencies buying on commission and dealers with annual purchases of less than $500,000 from maintaining bonds would weaken the total bonding requirements and would increase the occurrence of financial default among smaller volume buyers. This proposal is a step in the wrong direction if financial protection of cattlemen is to be provided." NCA also recommended that the minimum bond be set at $10,000 and that the method of determining the amount of bond be changed to increase bond coverage approximately 100 percent for dealers and order buyers purchasing up to $5 million annually.

The American Farm Bureau Federation commented that: "[The] Farm Bureau is strongly opposed to eliminating bonding requirements for dealers and order buyers that handle less than $500,000 worth of livestock annually. The responses we have received show that farmer sellers and their market agencies have the biggest problem with dealers and order buyers that are in this dollar volume category. In the present economic climate farmers and their market agencies need these bonding requirements to protect them from possible losses that might be incurred by a buyer or dealer and to help identify those who are in weak financial condition."

The Illinois Farm Bureau filed a similar statement. "In today's world, many small businesses are the first ones to get into economic trouble. It is not fair to the larger operations to allow their small competitors to operate without having the cost and the protection afforded by a P&S required bond."

The Virginia Farm Bureau Federation commented that: "Farm sellers and their market agencies have the biggest problem with dealers and order buyers whose annual business volume comes within the $500,000 category." The VFBF also criticized the idea that exempted registrants will voluntarily maintain bond coverage as "a myth or wishful thinking."

Additionally, the States of Wyoming, California, Virginia, Ohio and West Virginia indicated that small volume dealers and market agencies cause the most significant financial losses and problems.

Eleven of the fourteen comments filed on behalf of State Departments of Agriculture opposed the exemption of small volume dealer and order buyers from the requirement to file bonds. Two Departments expressed approval of the February 1, 1982, proposals and one commented that the exemption would shift the regulatory burden to the state yet the state did not expect it to be an unreasonable burden. Of particular concern to five State Departments and the NCA was the problem of small volume buyers operating in more than one State and thereby required to file more than one bond. The statement filed by the Ohio Department of Agriculture reflects this problem. "The elimination of dealers under $500,000 will interfere with trade between the State of Ohio and Pennsylvania, Indiana, Kentucky, Tennessee, West Virginia and Michigan. Small dealers not subject to the bonding provisions of the Packers and Stockyards Act must post an Ohio bond with the State of Ohio, which is limited in liability to transactions that occur within the geographic boundaries of the State of Ohio. Small Ohio dealers that work in more than one State prefer a Federal Packers and Stockyards Administration bond and registration because this covers their business with posted markets, dealers and farmers in states outside of Ohio. The Ohio bond and license does not fully satisfy their need. The State of Indiana requires a state bond for nonregistered dealers. These small dealers that are exempt from the Packers and Stockyards bonding requirements will have to furnish two bonds to satisfy Ohio and Indiana. This seems an unreasonable burden upon the small dealer. Your proposal may reduce competition in the livestock marketing industry."

In addition to opposing the exemption of dealers and order buyers from bonding, seven of the comments filed by State Departments of Agriculture suggested a higher minimum bond. Five recommended a $10,000 minimum bond for all dealers and order buyers. The State of New Jersey recommended that the amount of bond coverage be increased to "adequately cover the highest week's sales during the registration year." The State of Florida advocated the use of a shorter transaction period in the bond formula, one month's purchases rather than annual purchases. The inclusion of a net worth factor in the bond formula and the elimination of the small volume bond exemption were recommended by Deas, Van Hooser and Olsen, Attorneys-at-Law, as a means of further alleviating financial risk in livestock purchase and sales transactions. As previously stated, all comments received in response to the February 1, 1982, publication which support, reject or offer alternatives to the bond formula established by § 201.30 will be reconsidered in conjunction with all comments received in response to this notice.

Finally, three commenters, the Virginia Farm Bureau Federation, the National Cattlemen's Association and the Surety Association of America cited the surety's review of the financial condition of the bond applicant as a definite benefit to the industry particularly when considering the small volume dealer and market agency. The Surety Association of America wrote:

> Bonding provides a valuable service to the Administration and public alike. The reasons for requiring bonding are to prequalify applicants and guarantee payment of losses. In prequalifying applicants for bonds, the expertise of the underwriter contributes a great deal toward keeping losses low. Should losses occur, however, the Administration and public is (sic) assured of payment under the bond.
>
> By eliminating bonds, which in effect, negates the benefits the Administration receives from prequalification, you may find losses to be substantially higher and more frequent. Also, without bonding, or even an alternative, the public has no recourse, other than the courts, by which to recover future losses. Such recourse, no doubt, would be much more burdensome and costly to the Administration and public than the cost incurred by the dealers and agencies for bonding.

Upon consideration of the comments filed and the strong opposition expressed therein, § 201.29 as proposed on February 1, 1982, is reproposed, eliminating the exemption of market agencies buying on commission and dealers whose annual livestock purchases do not exceed $500,000 from the requirement of filing and maintaining a bond. In that the small volume buyers who previously would have been exempt from the bonding requirements will now be required to file a minimum bond of $10,000 under § 201.29 as reproposed and § 201.30 as proposed on February 1, 1982, the

Administration has decided to republish § 201.30.

The additional cost to the small volume dealers and order buyers as a result of the proposed $10,000 minimum bond is estimated to be $170,000 annually. Based upon the most recent annual reports filed with the agency, approximately 3,600 dealers and order buyers will be required to increase their coverage from $5,000 to $10,000. Five States presently require a minimum bond of $10,000. One State requires a $7,500 minimum bond. Approximately 200 registrants operating in those six States maintain the higher minimum bond. The increased cost to the other 3,400 buyers would be $50 per buyer per year, or a total of $170,000.

Letter of Credit as Bond Equivalent

The Packers and Stockyards Act (7 U.S.C. 204), provides that the Secretary may require reasonable bonds from every market agency, dealer and packer. The regulations issued under the Act detail the required levels of bond coverage and permit the filing of trust fund agreements in lieu of surety bonds. This proposed regulation would permit an additional alternative method of regulatory compliance.

Several businesses subject to the bonding requirements of the Act have requested the agency to explore the feasibility of accepting an irrevocable letter of credit as a bond equivalent. The agency has considered this option and now proposes for comment a procedure for filing irrevocable letters of credit as an acceptable alternative to meet the bond requirement. The use of an irrevocable letter of credit to comply with the bonding requirement may, in some cases, reduce the market agency's, dealer's, or packer's overall cost of operation, without reducing the level of protection to livestock sellers previously afforded by the bond. Some members of the affected industry have estimated, under current financial market conditions, that the substitution of an irrevocable letter of credit for a bond or trust fund agreement may reduce their overall cost of obtaining operating capital as much as five percent.

Since this proposed regulation adds an alternative means by which persons operating subject to the Act can comply with the Act's requirement at a lower cost without decreasing the financial protection these regulations seek to provide, the agency proposes to issue a new regulation, § 201.35. The new regulation requires the use of forms approved by the Administrator, and one such form is set forth in the regulation itself.

Executive Order

It has been determined that the proposals to amend the regulations relating to bonding of market agencies and dealers and the new regulation concerning irrevocable letters of credit are not "major" rules as defined by section 1(b) of E.O. 12291.

The proposed rules will not have an annual effect on the economy of $100 million or more, will not result in major increases in costs or prices for consumers, individual industries, government agencies or geographic regions, and 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 export markets. Accordingly, regulatory impact analyses are not required.

Regulatory Flexibility Act

B. H. (Bill) Jones, Administrator, Packers and Stockyards Administration, has determined that the proposals will not have a significant economic impact on a substantial number of small entities. For those registrants required to obtain higher bond coverage, the cost of this increased bond coverage will be insignificant, i.e., approximately $50 per year per registrant.

Paperwork Reduction Act of 1980

In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 2507), the reporting or recordkeeping provisions that are included in this proposed rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They will not be effective until OMB approval has been obtained.

List of Subjects in 9 CFR Part 201

Reporting and recordkeeping requirements, Stockyards, Surety bonds, Trade practices.

(7 U.S.C. 228(a))

Done at Washington, D.C., August 18, 1982.

B. H. (Bill) Jones,

Administrator, Packers and Stockyards Administration.

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

It is proposed to revise §§ 201.29 and 201.30 (9 CFR 201.29 and 201.30) and to issue a new § 201.35 (9 CFR 201.35) to read as set forth below.

§ 201.29 Market agencies, packers and dealers required to file and maintain bonds.

(a) Every market agency, packer, and dealer, except as provided in pagragaph (d) herein, and except packer buyers registered as dealers to purchase livestock for slaughter, shall execute and maintain a reasonable bond on forms approved by the Administrator containing the appropriate condition clauses, as set forth in § 201.31 of the regulations, applicable to the activity or activities in which the person or persons propose to engage, to secure the performance of obligations incurred by such market agency, packer, or dealer. No market agency, packer, or dealer required to maintain a bond shall conduct his operations unless there is on file and in effect a bond complying with the regulations is this part.

(b) Every market agency buying on a commission basis and every dealer buying for his own account or for the accounts of others shall file and maintain a bond. If a registrant operates as both a market agency buying on a commission basis and as a dealer, only one bond to cover both buying operations need be filed. Any person operating as a market agency selling on a commission basis and as a market agency buying on a commission basis or as a dealer shall file and maintain separate bonds to cover his selling and buying operations.

(c) Each market agency and dealer whose buying operations are cleared by another market agency shall be named as clearee in the bond filed and maintained by the market agency registered to provide clearing services. Each market agency selling livestock on a commission basis shall file and maintain its own bond.

(d) Every packer purchasing livestock, directly or through an affiliate or employee or a wholly-owned subsidiary, except those packers whose annual purchases do not exceed $500,000, shall file and maintain a reasonable bond. In the event a packer maintains a wholly-owned subsidiary or affiliate to conduct its livestock buying, the wholly-owned subsidiary or affiliate shall be registered as a packer buyer for its parent packer firm, and the required bond shall be maintained by the parent packer firm.

§ 201.30 Amount of market agency, dealer and packer bonds.

(a) *Market agency selling livestock on commission.* To compute the required amount of bond coverage, divide the dollar value of livestock sold during the preceding business year, or the substantial part of that business year, in which the market agency did business, by the actual number of days on which livestock was sold. The divisor (the number of days on which livestock was sold) shall not exceed 130. The amount

of bond coverage must be the next multiple of $5,000 above the amount so determined. When the computation exceeds $50,000, the amount of bond coverage need not exceed $50,000 plus 10 percent of the excess over $50,000, raised to the next $5,000 multiple. In no case shall the amount of bond coverage for a market agency selling on commission be less than $10,000 or such higher amount as required to comply with any state law.

(b) *Dealer or market agency buying on commission.* The amount of bond coverage must be based on the average amount of livestock purchased by the dealer or market agency during a period equivalent to 2 business days. To compute the required amount of bond coverage, divide the total dollar value of livestock purchased during the preceding business year, or substantial part of that business year, in which the dealer or market agency or both did business, by one-half the number of days on which business was conducted. The number of days in any business year, for purposes of this regulation, shall not exceed 260. Therefore, the divisor (one-half the number of days on which business was conducted) shall not exceed 130. The amount of the bond coverage must be the next multiple of $5,000 above the amount so determined. When the computation exceeds $75,000, the amount of bond coverage need not exceed $75,000 plus 10 percent of the excess over $75,000, raised to the next $5,000 multiple. In no case shall the amount of bond coverage be less than $10,000 or such higher amount as required to comply with any State law.

(c) *Market agency acting as clearing agency.* The amount of bond coverage must be based on the average amount of livestock purchased by all persons for whom the market agency served as a clearor during a period equivalent to 2 business days. To compute the required amount of bond coverage, divide the total dollar value of livestock purchased by all persons for whom the market agency served as clearor during the preceding business year, or substantial part of that business year, in which the market agency acting as clearing agency did business, by one-half the number of days on which business was conducted. The number of days in any business year, for purposes of this regulation, shall not exceed 260. Therefore, the divisor (one-half the number of days on which business was conducted) shall not exceed 130. The amount of bond coverage must be the next multiple of $5,000 above the amount so determined. When the computation exceeds $75,000, the amount of bond coverage need not exceed $75,000 plus 10 percent of the excess over $75,000, raised to the next $5,000 multiple. In no case shall the amount of bond coverage be less than $10,000 or such higher amount as required to comply with any State law.

(d) *Packer.* The amount of bond coverage must be based on the average amount of livestock purchased by the packer during a period equivalent to 2 business days. To compute the required amount of bond coverage, divide the total dollar value of livestock purchased during the preceding business year, or substantial part of that business year, in which the packer did business, by one-half the number of days on which business was conducted. The number of days in any business year, for purposes of this regulation, shall not exceed 260. Therefore, the divisor (one-half the number of days on which business was conducted) shall not exceed 130. The amount of the bond coverage must be the next multiple of $5,000 above the amount so determined. In no case shall the amount of bond coverage for a packer be less than $10,000.

(e) If a person applying for registration as a market agency or dealer has been engaged in the business of handling livestock before the date of the application, the value of the livestock handled, if representative of future operations, must be used in computing the required amount of bond coverage. If the applicant for registration is a successor in business to a registrant formerly subject to these regulations, the amount of bond coverage of the applicant must be at least that amount required of the prior registrant, unless otherwise determined by the Administrator. If a packer becomes subject to these regulations, the value of livestock purchased, if representative of future operations, must be used in computing the required amount of bond coverage. If a packer is a successor in business to a packer formerly subject to these regulations, the amount of bond coverage of the successor must be at least that amount required of the prior packer, unless otherwise determined by the Administrator.

(f) Whenever the Administrator has reason to believe that a bond is inadequate to secure the performance of the obligations of the market agency, dealer or packer covered thereby, the Administrator shall notify such person to adjust the bond to meet the requirements the Administrator determines to be reasonable.

§ 201.35 Letters of credit as bond equivalents.

(a) Any packer, market agency, or dealer required to maintain a surety bond under these regulations may elect to maintain, in whole or partial substitution for such surety bond, one or more irrevocable letters of credit on which a trustee is authorized to draw funds subject to a trust agreement. The amount of such letters of credit, surety bond, trust fund agreement, or combination thereof, must be the total amount of the surety bond otherwise required under these regulations.

(b) Such letters of credit and trust agreement to which funds drawn thereunder would be subject must be on forms satisfactory to the Administrator (the forms set forth below are suggested), and any such letter of credit must be issued by a national bank or a bank insured by the Federal Deposit Insurance Corporation.

(c) The trustee on any such trust agreement must be a person financially responsible, independent of the packer, market agency or dealer, and satisfactory to the Administrator.

(d) Any letter of credit issued pursuant to this section must be received by the trustee authorized to draw funds on it, and a photographically reproduced copy of such letter of credit, and a fully executed duplicate of such trust agreement, and of any endorsement, rider, amendment, indemnity agreement, or other attachment to such trust agreement, must be filed with the Regional Supervisor for the area of the pack's, market agency's, or dealer principal place of business.

(e) The following forms of an irrevocable standby letter of credit are required in connection with the filing of an irrevocable letter of credit in lieu of a bond as required by these regulations.

Irrevocable Transferable Standby Letter of Credit

(Identification of Bank and, If Desired, Branch, Division, Department, Etc.)

Irrevocable Transferable Standby Letter of Credit

Our letter of credit no. ———. (if desired:) This number must be mentioned on all drafts and correspondence.

Date:

To: (Identification of Trustee), as Trustee under a certain Trust Agreement, effective on (date), to which (packer, market agency or dealer) is a party, or successor Trustee under the same Trust agreement.

This credit is transferable, one or more times, but only to a successor Trustee designated by the Packers and Stockyards Administration, United States Department of Agriculture, under the same Trust Agreement. Any such transfer shall govern all rights of the Trustee, including the entire amount which remains available under this credit at the time of such transfer.

Sight draft or drafts should drawn on us, your draft or drafts drawn at sight bearing the clause, "drawn under (bank) standby letter of credit no. ——— dated ——— up to the aggregate amount of $———."

Any such draft must be accompanied by drawer's signed statement, "drawer will dispose of funds received under the accompanying draft in accord with the Trust Agreement effective on (date) to which (packer, market agency or dealer) is a party." We will not be responsible for drawer's disposition of funds received by drawer.

If any such draft is drawn by a successor Trustee under the same Trust Agreement, it must be accompanied by a copy of the letter of the Packers and Stockyards Administration, United States Department of Agriculture, designating such drawer as successor Trustee. We will not be responsible for verifying the authenticity of any such document which appears on its face to be authentic.

Except that otherwise specifically provided herein, any such draft need not be accompanied by any other document.

This credit may not be modified without the written approval of the Administrator, Packers and Stockyards Administration, United States Department of Agriculture.

Either

Any such draft must be received by us on or before (expiration date). We hereby agree with drawers, endorsers, and bona fide holders of all drafts drawn hereunder and in compliance herewith that such drafts will be duly honored at sight upon presentation to us. (if desired:) The amount of any draft drawn hereunder must be endorsed on the reverse side of this letter of credit by the negotiating bank, and any such draft must be accompanied by a signed statement that an appropriate notation has been made, or by this letter.

Or, if desired, the preceding paragraph may read as follows:

Any such draft must be received by us on or before (expiration date). We hereby agree with drawers of all drafts drawn hereunder and in compliance herewith that such drafts will be duly honored at sight upon presentation to us. (if desired:) This letter must be presented with any such draft, for endorsement of the amount of such draft on the reverse side of this letter.

Except as provided above, this credit is subject to the Uniform Customs and Practice for Documentary Credits (1974 revision), Internaitonal Chamber of Commerce Publication No. 290.

Authorized Signature ———————

Trust Agreement for Use With One or More Letters of Credit, in Lieu of Bond Required of Livestock Market Agencies, Dealers and Packers Under the Packers and Stockyards Act, 1921, as Amended and Supplemented

Whereas the provisions of the Packers and Stockyards Act, 1921, as amended and supplemented, and the regulations issued thereunder by the Secretary of Agriculture, acting through the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, hereinafter known as the Administrator, require a good and sufficient surety bond or its equivalent of market agencies, dealers, and packers as defined in said Act to cover their obligations as such; and

Whereas ———————, hereinafter known as the principal, is engaged in business as a market agency, dealer, or packer as defined in that Act and ———————, hereinafter known as the trustee, accepts the obligations of the trustee hereunder;

Now, therefore, the principal has obtained or will obtain, from one or more banks, one or more irrevocable letters of credit, under which the trustee may draw funds from such banks, for the account of the principal, for the following conditions:

Applicable if Principal Sells on Commission

(1) If the principal shall pay when due to the person or persons entitled thereto the gross amount, less lawful charges, for which all livestock is sold for the accounts of others by the principal.

Applicable if Principal Buys on Commission or as Dealer

(2) If the principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by the principal for his own account or for the accounts of others, and if the principal shall safely keep and properly disburse all funds, if any, which come into his hands for the purpose of paying for livestock purchased for the accounts of others.

Applicable if Others Clear Through Principal

(3) If the principal, acting as a clearing agency responsible for the financial obligations of other registrants engaged in buying livestock, viz: (insert here the names of such other registrants as they appear in the application for registration), or if such other registrants shall (1) pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by such other registrants for their own account or for the accounts of others and (2) safely keep and properly disburse all funds coming into the hands of such principal or such other registrants for the purpose of paying for livestock purchased for the accounts of others.

Applicable if Principal Buys as a Packer

(4) If the principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by the principal for his own account.

Conditions ——— and ——— were deleted prior to execution and are not part hereof.

If such condition or conditons are met, then funds drawn by the trustee hereunder shall not be liable, but if there shall be any defaults, failures, or neglects under any one or more of said conditions, then such funds shall be liable, subject to the following terms, conditions and limitations:

(a) Any person damaged by failure of the principal to comply with any condition of this agreement, in a transaction occurring on or after the effective date of this agreement and before the termination date of this agreement in accord with its provisions, may recover under this agreement in accord with and subject to its provisions. Acts, omissions or failures of authorized agents or representatives of the principal or persons whom the principal shall knowingly permit to represent themselves as acting for the principal shall be taken and construed to be acts, omissions or failures of the principal and to be within the protection of this agreement to the same extent and in the same manner as if they were the personal acts of the principal.

(b) The trustee shall not be liable to pay any claim for recovery under this agreement if it is not in writing and received by either the trustee or the Administrator within 120 days from the date of the transaction on which the claim is based. Whichever of these persons receives such a claim shall notify the other such person and the principal at the earliest practicable date.

(c) The trustee, upon determination that funds are due to a claimant, shall draw funds pursuant to a letter of credit obtained by the principal under this agreement, as necessary to pay what is due to the claimant, up to the amount of such letter, and pay such funds to the claimant, except as otherwise provided hereinafter. The trustee, prior to paying any funds to any claimant, shall determine the total amount due to all claimants under this agreement. If such total amount exceeds the total of funds which can be drawn by the trustee under letters of credit obtained by the principal under this agreement, the trustee shall distribute such funds pro rata among the claimants to which funds are due. Payment by the trustee to any such claimant and acceptance by any such claimant of such payment from the trustee shall discharge the trustee, and reduce the amount of funds subject to this agreement, as to such claimant and in the amount of such payment.

(d) If the principal seeks an order of a court to enjoin the honoring of a draft drawn by the trustee, or an order of a court to enjoin payment by the trustee of a claim, or both, the trustee shall notify the claimant and the Administrator. In any such action the trustee shall not be obligated to defend; the claimant at his own expense may defend in the name of the trustee.

(e) Any claimant under this agreement may maintain suit in his own name and at his own expense against the trustee and, if desired, the principal, to recover under this agreement even though such claimant is not a party named in this agreement, except as provided hereinafter. The trustee shall not be liable to pay any claim for recovery under this agreement if it is not in writing and received by the trustee or the Administrator within 120 days from the date of the transaction on which it is based, or if the claimant commences suit against the trustee thereon in less than 180 or more than 547 days (which is approximately 18 months) of the date of the transaction on which the claim is based. The principal and the trustee hereby waive every defense, if any three be, based on the fact that any such claimant is not a party or privy to this agreement. In any such action brought by a claimant against the trustee, the trustee shall not be obligated to defend; the principal or any other claimant at his own expense may defend in the name of the trustee.

(f) If any draft of the trustee under a letter of credit obtained by the principal under this agreement is not honored by the bank on which it is drawn, the trustee shall notify the claimant and the Administrator. The claimant may at his own expense bring legal action in the name of the trustee to compel payment under the letter of credit to the trustee for disposition under this agreement. The trustee shall not be obligated to prosecute in any such action.

(g) If one irrevocable letter of credit obtained by the principal under this agreement is replaced by another in the same form issued by the same bank under which the trustee can draw the same or a greater amount at the same or a later time than under the former such letter of credit, the trustee may surrender the former in exchange for the latter. In exchange for the entire amount which can be drawn by the trustee under any such letter of credit, the trustee may surrender such letter. The trustee may dispose of any such letter which has expired. The trustee shall not, without written approval of the Administrator, otherwise surrender or dispose of any letter of credit obtained by the principal under this agreement.

(h) If any letter of credit obtained by the principal under this agreement is about to expire and has not been replaced by another in the same form issued by the same bank under which the trustee can draw the same or a greater amount at a later time than under the expiring letter of credit, the trustee, unless the Administrator shall in writing state that this is unnecessary, shall obtain the full amount of such expiring letter of credit before it expires.

(i) This agreement may be terminated by either the trustee or the principal, by delivering, to the other such person and the Administrator, written notice of termination stating or describing a termination date. The termination date shall not be less than 30 days after the date such notice of termination is received by the Administrator unless the Administrator in writing approves an earlier termination date. Transactions occurring after the termination date may not be the basis of claims under this agreement. The trustee shall deliver such notice upon receipt of any claim for recovery under this agreement unless the principal informs the trustee that action will be taken to contest the claim. The trustee, unless otherwise directed in writing by the Administrator, shall, before the termination date, draw the full amount which can be drawn under every letter of credit obtained by the principal hereunder.

(j) During times when the trustee holds funds which have been obtained under this agreement, the trustee shall invest such funds in the name of the trustee in fully negotiable obligations of or guaranteed by the United States, or in deposits in national banks or other banks insured by the Federal Deposit Insurance Corporation, or as otherwise approved in writing by the Administrator. The trustee shall not be obligated to maximize interest received on such funds. Interest received by the trustee on such funds shall be disposed of by the trustee in the same manner as such funds. The trustee shall not expend such funds except as follows:

(1) Such funds may be used to pay taxes due on account of interest received by the trustee on such funds;

(2) Such funds may, with the written approval of the Administrator, be used to pay reasonable expenses and compensation of the trustee;

(3) Such funds may be paid to claimants to whom such funds are due under this agreement;

(4) Such funds determined not to be needed to pay claimants under this agreement may, with the written approval of the Administrator, be returned to the bank from which such funds are obtained for credit to the account of the principal.

(k) No amendment, endorsement, rider, or modification of this agreement shall be effective unless it is in writing, a fully executed duplicate of it is received by the Administrator, and either 30 days shall elapse after the date the duplicate is recieved by the Administrator or the Administrator shall state in writing that he has no objection to it. Termination of the clearance of a registrant under condition clause 3 of this agreement may be accomplished by a rider deducting the name of such registrant.

(l) The trustee may resign by delivering written notice of resignation to the Administrator. The Administrator is hereby authorized to designate a person to act as trustee under this agreement if the trustee designated herein or a successor trustee resigns, or fails or is unable to act or serve. Immediately upon such designation by the Administrator, the prior trustee shall transfer all letters of credit obtained by the principal hereunder, and shall pay over all funds drawn udner such letters of credit and in the possession of the prior trustee, to the person so designated by the Administrator. Such transfer and payment shall discharge the prior trustee from all obligation hereunder to draw funds after such transfer under any letter of credit so transferred, or to disburse any funds so paid, and from all other obligations accruing under this agreement after such transfer and payment.

(m) The term "person" as used in this agreement shall be construed to mean and include both singular and plural, corporations, partnerships, associations, individuals and the heirs, executors, administrators, successors, or assigns thereof.

(n) Any reference herein to one letter of credit shall be deemed to apply to multiple letters of credit if obtained by the principal under this agreement.

(o) Any notice or document required to be given to or filed with the Administrator under this agreement may be given to the Regional Supervisor, Packers and Stockyards Administration, for the region of the principal's residence or principal place of business. Any approval, authorization, designation or other action by the Administrator under this agreement may be taken or performed by such Regional Supervisor or by the Administrator.

This agreement shall become effective on the day of , 19 .

Signature of Trustee

Signature of Principal

[FR Doc. 82-23149 Filed 8-23-82; 8:45 am]

BILLING CODE 3410-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3 FRL-2154-4]

Proposed Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Pennsylvania has submitted proposed revisions to its State Implementation Plan (SIP). The revisions consist of regulations for certain sources of Volatile Organic Compound (VOC) emissions, changes to the air pollution episode regulations, and an increase in permit fees for air pollution sources in Allegheny County.

EPA is proposing approval of all these revisions except the dry cleaning regulation, which does not contain an emission limit or a requirement for add-on control equipment. EPA is not taking any action on this dry cleaning regulation at this time.

EPA has initially determined that the revisions proposed for approval will not cause or contribute to a violation of any of the National Ambient Air Quality Standards (NAAQS) and that they meet all applicable requirements of Section 172(b) of the Clean Air Act concerning reasonable available control technology.

DATE: Comments must be submitted on or before September 23, 1982.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air Programs and Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: Gregory Ham (3AW11)

Allegheny County Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, PA 15201

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120

All comments on the proposed revision submitted on or before September 23, 1982 will be considered and should be directed to: Mr. Glenn Hanson, Chief, Pennsylvania Section

(3AW11), Air & Waste Management Division, Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: (AH309PA).

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Ham, Environmental Protection Agency, Region III, Air Programs and Energy Branch, Curtis Building, 10th Floor, 6th & Walnut Streets, Philadelphia, PA 19106, (215) 597–2745.

SUPPLEMENTARY INFORMATION: On February 23, 1982, the Commonwealth of Pennsylvania submitted revisions to the Pennsylvania SIP. The revisions consist of regulations controlling VOC emissions from sources specified in EPA's Group II Control Technique Guidelines (Group II CTG's), changes to the air pollution episode regulations, and an increase in permit fees for Allegheny County, Pennsylvania. The following paragraphs discuss each of these revisions.

Group II VOC Regulations

Provisions of the Clean Air Act enacted in 1977 require States to revise their SIP's for areas that have not attained the NAAQS. For States with ozone nonattainment areas, EPA has stated that the minimum acceptable level of ozone control includes Reasonably Available Control Technology (RACT) requirements for sources of VOC emissions for which EPA has published a CTG by January 1978 and additional RACT requirements on an annual basis for VOC sources covered by CTGs published by January of the preceding year. (See 44 FR 20372 (April 4, 1979) as supplemented at 44 FR 38583 (July 2, 1979); 44 FR 50371 (August 28, 1979); 44 FR 53761 (September 17, 1979); 44 FR 67182 (November 23, 1970); and 44 FR 50371 (August 28, 1979)).

EPA published the CTGs in order to assist the States in determining RACT. The CTGs provide information on available air pollution control techniques to provide recommendations on what EPA calls the "presumptive norm" for RACT. Group II CTGs cover the following source categories: (1) Factory Surface Coating of Flatwood Paneling; (2) Petroleum Refinery Fugitive Emissions (Leaks); (3) Synthesized Pharmaceutical Manufacturing; (4) Pneumatic Rubber Tire Manufacturing; (5) Surface Coating of Miscellaneous Metal Parts and Products; (6) Graphic Arts (Printing); (7) Dry Cleaning Perchloroethylene; (8) Gasoline Tank Trucks (Leak prevention); (9) Petroleum Liquid Storage in External Floating Roof Tanks.

On February 23, 1982, Pennsylvania submitted to EPA revisions to its SIP for Allegheny County which consist of regulations for all of the above categories except: (1) Factory Surface Coating of Flatwood Paneling; (2) Petroleum Refinery Fugitive Emissions (Leaks), (3) Pharmaceutical Manufacturers, and (4) Rubber Tire Manufacturing. The Allegheny County Bureau of Air Pollution Control (BAPC) has certified that none of these sources currently operate in the County.

EPA has reviewed these regulations and finds them approvable except for the dry cleaning regulations. In addition, the compliance schedule established for control of VOC emissions from inks used to print on non-porous substrates allows for extensions up to December 31, 1986. This extension is not consistent with the Commonwealth of Pennsylvania's regulation, which allows extensions up to December 31, 1985. Although this regulation is being proposed for approval, EPA is requesting comments on the acceptability of an extension for this category of source until December 31, 1986.

Where variations from EPA's recommended RACT occur in other regulations, documentation showing insignificant impact has been submitted by the BAPC.

The County's regulation for Perchloroethylene Dry Cleaning is significantly different than that adopted by most other States in that no emission limit is specified. Therefore, add-on control equipment is not required. EPA is taking no action on this regulation at this time, but will review the need for improvement of this regulation during the review of Pennsylvania's revised ozone SIP, that was required to be submitted to EPA by July 1, 1982.

Air Pollution Episode Regulations

The air pollution episode regulations establish procedures for alerting the public when air pollution reaches or is forecasted to reach specified levels which may affect the health of people in the area. The County currently has episode regulations in effect. The proposed regulation revises the method used for setting the levels at which various alert stages are called.

The existing regulations set one level of pollution for each stage. This level applies to all monitoring sites which measure the potential for episodes. The revised regulations allow the level to be set specifically for each monitor. This is necessary because of the variable characteristics of the particulates which are being monitored. Each monitor is impacted by different ranges of particulate sizes and characteristics. The monitors are affected by the size and characteristics of the particles, and can give different readings because of this variation, even if total particulate levels are the same. Therefore, each monitor site must be studies to establish site-specific values at which the alert stages are called. The proposed regulations establish procedures for this and were developed in accordance with EPA's "Guidance for Selecting TSP Episode Monitoring Methods" (EPA No. 1.2–114, February 1979). The revisions do not change the levels at which episodes are declared, but change the way in which the levels are determined.

EPA has reviewed these regulations and finds them to be approvable.

Permit Fee Increase

The revisions to the permit fee regulations consist of an increase of 15% in the fees for installation, operating and non-complying source operating permits. These fees cover the costs of inspections, permit processing, and evaluation of source compliance. The County is increasing the fees to offset rising costs of performing these functions.

EPA has reviewed these regulation changes and finds them to be approvable.

The public is invited to submit, to the address stated above, comments on whether the proposed changes to the regulations should be approved as a revision of the Pennsylvania State Implementation Plan.

The Administrator's final decision to approve or disapprove the proposed revision will be based on the comments received and on a final determination of whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. Today's action does not constitute a major regulation since it approves provisions which the State adopted and submitted to EPA. This document was reviewed by the Office of Management and Budget under the requirements of Executive Order 12291.

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

List of Subjects in 40 CFR Part 52

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

(42 U.S.C. 7401–7642)

Dated: June 1, 1982.

Peter N. Bibko,

Regional Administrator.

[FR Doc. 82-23148 Filed 8-23-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 60

[AD-FRL-1860-5]

Standards of Performance For New Stationary Sources; Metallic Mineral Processing Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The proposed standards would limit emissions of particulate matter from new, modified, and reconstructed facilities at metallic mineral processing plants. The proposed standards implement Section 111 of the Clean Air Act and are based on the Administrator's determination that metallic mineral processing plants cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. The intent is to require new, modified, and reconstructed facilities at metallic mineral processing plants to use the best demonstrated system of continuous emission reduction, considering costs, nonair quality health and environmental impacts, and energy requirements.

A public hearing will be held to provide interested persons an opportunity for oral presentations of data, views, or arguments concerning the proposed standards.

DATES: *Comments.* Comments must be received on or before October 25, 1982.

Public Hearing. A public hearing will be held on September 23, 1982. beginning at 9:00 a.m.

Request to Speak at Hearings. Persons wishing to present oral testimony must contact EPA by September 16, 1982 (1 week before hearing).

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket No. OAQPS-A-81-03, U.S. Environmental Protection Agency, 401 M. Street, SW., Washington, D.C. 20460.

Public Hearing. The public hearing will be held at EPA Office of Administration Auditorium, Research Triangle Park, N.C. Persons wishing to present oral testimony should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5571.

Background Information Document. The Background Information Document (BID) for the proposed standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Metallic Mineral Processing Plants—Background Information for Proposed Standards" (EPA-450/3-81-009a).

Docket. Docket No. A-81-03, containing supporting information used in developing the proposed standards, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5624.

SUPPLEMENTARY INFORMATION:

Proposed Standards

The proposed standards would apply to new, modified, and reconstructed facilities at metallic mineral processing plants. For the purpose of the proposed standards a metallic mineral processing plant is any combination of equipment that extracts any of the following metals or their concentrates from metallic ores: Aluminum, copper, gold, iron, lead, molybdenum, silver, titanium, tungsten, uranium, zinc, and zirconium.

The affected facilities for each of these industries would be each crusher, screen, bucket elevator, conveyor belt transfer point, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, railcar unloading station, and thermal dryer at metallic mineral processing plants with the following exceptions. All facilities located in underground mines would not be affected by the proposed standards. At uranium ore processing plants, all facilities and operations that occur after the beneficiation of uranium ore (e.g., drying, handling, and packaging of uranium concentrates) would not be affected by the proposed standards.

The proposed standards would limit process fugitive and stack emissions from the affected facilities. Process fugitive emissions, which are process emissions not collected by a capture system, would be limited to 10 percent opacity. The proposed standard for stack emissions, which are emissions vented through a control device, would limit the concentration of particulate matter to 0.05 gram per dry standard cubic meter (g/dscm) [0.02 grain per dry standard cubic foot (gr/dscf)].

Stack emissions would also be limited to 7 percent opacity. The stack opacity standard would not apply to affected facilities that use wet scrubbers to control emissions. Instead, the monitoring of the operating parameters of wet scrubbers (pressure drop and scrubber liquid flow rate) would be required in order to ensure proper operation and maintenance of scrubbers.

Summary of Environmental, Energy, and Economic Impacts

Environmental Impact

By 1985, the proposed standards would reduce the total amount of particulate matter emissions into the atmosphere by as much as 11,800 megagrams per year (11,800 Mg/yr) [13,000 tons per year (13,000 ton/yr)] below emission levels that would occur if no new standards were set. In 1985, this reduction would range from 65 Mg/yr (72 ton/yr) for a 23 megagram per hour (23 Mg/h) [25 tons per hour (25 ton/h)] uranium plant to 2,300 Mg/yr (2,500 ton/yr) for a 2,200 Mg/h (2,400 ton/h) iron ore processing plant. This reduction is based on a comparison of the emission levels achievable with currently used emission control equipment with the levels required by the proposed standards. Alternatively, the level of emissions allowed under current State Implementation Plans (SIP's) could be compared with the levels required by the proposed standards. Because most plants are currently reducing emission levels significantly below the level required by the SIP's, the emission reductions cited above are based on a comparison of the emission levels achievable by currently used control systems under worst-case conditions with the emission level achievable with best systems of continuous emission reduction under worst-case conditions.

Because these particulate emissions could contain trace amounts of metals and radioactive compounds, depending on the type of ore processed, there would also be a simultaneous reduction in the release of these compounds into the atmosphere.

The reduction in emissions would result in a significant reduction of ambient air concentrations of particulate matter in the vicinity of new metallic mineral processing plants. For example, the second-maximum 24-hour average concentration would be reduced to a level that is about 87 percent lower than the second-maximum concentration that results from the performance of currently used emission control equipment.

There would be no siginficant adverse water pollution or solid waste impacts from the proposed standards. If dry collectors are used to meet the proposed standards, collected emissions could be recycled to the milling process because the collected particles are primarily the ore or the concentrated product of processing plants. Thus the solid waste impact from using dry collectors to meet the standards should be non-existent. Because no water discharge is generated by dry collectors, there would be no adverse water pollution impact.

If wet scrubbers are used to meet the standards, the slurries recovered from the scrubbers could be added to the wet size-reduction operations or wet concentration steps in the process. Alternatively, the slurries could be combined with tailings from the plant's beneficiation process which are typically discharged to a tailings pond from which the water is recycled. The material generated from wet scrubbers under worst-case conditions would represent less than one percent of the waste material generated in the beneficiation of any metallic mineral covered by the proposed standard.

The only source of noise that would result from the standards would be the exhaust fans used in control systems. When compared with the noise from crushing process equipment, any additional noise from control system exhaust fans would be insignificant.

Energy Impact

The estimated incremental energy requirements of the proposed standards were calculated by comparing the energy requirements of baghouses and high energy wet scrubbers (pressure drop of 30 inches of water) with the energy requirements of low energy wet scrubbers (pressure drop of 6 inches of water), which are the most widely used equipment for current emission control. Because a fabric filter baghouse uses a more efficient fan than a low energy wet scrubber while operating at the same pressure drop and air flow rate, energy consumption would be lower with the installation of baghouses to meet the requirements of the proposed standards.

Assuming worst-case conditions from an energy perspective (i.e., if all new facilities installed only high energy wet scrubbers) the industry energy use would increase by 317 terajoules (317 TJ) [300×10^{9} British Thermal Units (300×10^{9} BTU's)] in 1985 over that required if only low energy wet scrubbers were installed. This increase represents less than 0.5 percent of the energy that would be consumed by these new plants as represented by their projected use of natural gas, liquid fuels, and electrical energy. The energy impacts were determined by comparing the amount of energy required for control systems on affected facilities to the amount of energy consumed by the entire plant complex including the mine and beneficiation process (except iron ore pelletizing and alumina calcining). The maximum incremental increase in energy use at any individual new plant due to compliance with the proposed standards with 30-inch pressure drop wet scrubbers would range from 0.04 percent for aluminum plants to 7 percent for titanium/zirconium plants. These impacts are worst-case projections because it is likely that most installations will not find it necessary to use 30-inch pressure drop wet scrubbers on all affected facilities. In many cases, baghouses or wet scrubbers with less than 30-inch pressure drop would be adequate to achieve the proposed standards.

Economic Impact

The incremental cost and economic impacts associated with the proposed standards are considered to be reasonable. The economic impacts are based on a comparison of 30-inch pressure drop wet scrubbers, the most expensive control option on an annualized cost basis, with a 6-inch pressure drop wet scrubber, the control device most widely used to meet current standards. Less expensive control devices, such as baghouses and lower energy wet scrubbers, are expected in most cases to meet the proposed standards. Thus the actual economic impact of the proposed standard would be less than the estimates summarized below.

The incremental capital costs associated with the proposed standards could be calculated as either the difference between the cost of 6-inch pressure drop wet scrubbers and 30-inch pressure drop wet scrubbers or the difference between the cost of 6-inch pressure drop scrubbers and baghouses. The incremental capital costs ranged from $29,000 for a 23 Mg/h (25 ton/h) uranium plant to $940,000 for a 2,200 Mg/h (2,400 ton/h) iron ore plant for the application of 30-inch pressure drop wet scrubbers to all affected facilities in a plant. The corresponding incremental annualized cost ranged from $28,000 to $870,000 per year. The close correspondence of incremental capital and incremental annualized costs for 30-inch pressure drop scrubbers reflects the high operating cost of 30-inch pressure drop scrubbers. As a percentage of capital cost requirements for new plants the costs of 30-inch pressure drop scrubbers range from a 0.9 percent increase for uranium plants to a 0.1 percent increase for iron ore plants. The capital costs for new plants include the costs of an entire milling and mining operation.

The total incremental capital cost to install 30-inch pressure drop wet scrubbers on all new plants would be about $5 million for the first five years that the proposed standards would be in effect. The total incremental annualized cost would increase by $4,600,000 in the fifth year.

The percentage increase in the cost of producing the metal due to the annualized cost of installing and operating 30-inch pressure drop wet scrubbers at all affected facilities in a plant ranged from less than 0.1 percent for aluminum plants to 1.7 percent for a 140 Mg/h (150 ton/h) copper plant. This size copper plant was the only projected new plant where the impact exceeded one percent.

The incremental capital cost of installing baghouses is higher than it is for 30-inch pressure drop wet scrubbers; however, the incremental annualized cost of baghouses is less than it is for 30-inch pressure drop wet scrubbers because the increased capital recovery costs are offset by the significantly lower energy requirements for baghouses. The incremental capital cost of installing baghouses on all affected facilities in a plant ranged from $62,000 for a 23 Mg/h (25 ton/h) uranium plant to $2,100,000 for a 2,200 Mg/h (2,400 ton/h) iron ore plant. As percentages of new plant capital cost (including the mine and mill), these represent a 1.8 and a 0.2 percent increase, respectively.

The incremental annualized cost of baghouses ranges from $17,000 for small uranium plants to $560,000 for large iron ore plants. The increase in cost of production due to the installation of baghouses would be approximately two-

thirds of the corresponding impact for high energy wet scrubbers.

The total incremental capital cost to install baghouses on all new plants would be about $11 million for the first five years that the proposed standards would be in effect. The total incremental annualized cost would increase by about $3,300,000 in the fifth year.

Rationale

Selection of the Source Category for Control

EPA has identified metallic mineral processing plants as sources of emissions which cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. As a result, the Agency listed this source on the Priority List (40 CFR 60.16, 44 FR 49222 (August 21, 1979)), in accordance with Section 111(b)(1)(A) of the Clean Air Act. For the purpose of the proposed standards a metallic mineral processing plant is any combination of equipment that, extracts any of the following metals or their concentrates from metallic minerals: aluminum, cooper, gold, iron, lead, molybdenum, silver, titanium, tungsten, uranium, zinc, and zirconium.

By 1985, new, modified, and reconstructed facilities at metallic mineral processing plants would cause annual nationwide particulate matter emissions to increase by about 13,600 Mg/yr (14,900 ton/yr) if no standards of performance were set.

The processing of the various metallic minerals is projected to increase at compounded annual growth rates of up to eight percent through 1985 depending on mineral type. Twenty-five new metallic mineral plants are projected through 1985. Geographically, the metallic minerals industry is highly dispersed with plants processing ores of at least one of the 12 metals in 30 of the 50 states.

All equipment that extracts the listed minerals or their concentrates, plus any equipment that processes the products or byproducts resulting from extraction at the same plant site, would be included within the definition of "metallic mineral processing plant". The metals or metallic concentrates covered by the definition were selected because they are the primary products of metallic mineral processing facilities in this country. Other metals and metallic minerals processed in this country as primary products are either covered in other standards, as in the case of mercury, or extracted at plants not expected to show growth in production capacity.

Specific processing operations at "metallic mineral processing plants", whether associated with primary products or byproducts alone, or combinations of these products, would be defined as the facilities subject to the standards. Most metallic mineral processing operations, such as the crushing of ore, occur irrespective of the recovery of byproducts; however, final processing steps for byproducts at a metallic mineral processing plant may involve only these byproducts. These operations could include byproduct concentrate drying and product loading.

Selection of pollutant and emission sources for control

Metallic mineral processing plants are sources of emissions of particulate matter, nitrogen oxides (NO_x), and sulfur dioxide (SO_2). The only affected facilities at metallic mineral processing plants that emit NO_x and SO_2 are dryers. It is anticipated that the primary fuel for dryers at new plants will continue to be low-sulfur natural gas for at least the next five years. Thus emissions of SO_2 will be insignificant and will not be regulated by the proposed standards. Effective control techniques for NO_x from dryer combustion sources have not been demonstrated; therefore, NO_x emissions have not been selected for control. EPA's Office of Research and Development is currently investigating techniques for the control of NO_x emissions. Standards of performance for NO_x emissions will be considered in the future consistent with the development of techniques for their control and consistent with EPA's priorities for setting standards for major emission sources.

The particulate matter emitted from these plants is assumed to contain small amounts of metals and metallic compounds in proportion to their presence in the raw material or products of these processes. These metals and other compounds would be controlled in conjunction with the collection of generic particulate matter. Because of the small quantities involved, no separate standards are proposed for these subcategories of particulate matter.

The process operations included under the proposed standards were selected because they are significant individual sources of particulate matter emissions at metallic mineral processing plants and because they are all amenable to the same types of air pollution control techniques. Process operations and equipment covered include the following: crushing and screening operations, bucket elevators, conveyor belt transfer points, thermal dryers, product packaging operations, storage bins, enclosed storage areas, truck and railcar loading stations, and truck and railcar unloading stations.

Emissions from the following operations common to various metallic mineral processing plants are not covered by the proposed standards: haul roads, stockpiles, wastepiles, tailings ponds, and mining operations such as blasting, loading, and hauling of ore. There has been limited demonstration of the effectiveness of specific control techniques for these sources for the variety of conditions experienced across the country. EPA's Office of Research and Development is currently assessing these techniques and the results will be considered in the future in determining the need for standards of performance for these sources.

Pyrometallurgical and chemical reaction processes such as concentrated roasting and smelting, are not included in the source category metallic mineral processing. These operations are covered under other standards of performance. Emissions from calcining kilns and pelletizing kilns and furnaces are being considered for coverage under a separate standard currently under development.

Emissions from operations in underground mines, such as crushing operations and conveyor belt transfer points, would not be covered by the proposed standards. Emissions from these sources are vented in the general mine exhaust and cannot be distinguished from emissions from drilling, blasting, and loading operations which are not covered by the standards as discussed above.

The process operations involved in the drying of uranium concentrates (yellowcake) and the subsequent handling of the concentrated product would not be covered by the standards. These particulate emissions are adequately controlled by the same systems that are used to comply with radioactivity dose standards of the Nuclear Regulatory Commission. Processing of uranium ores prior to beneficiation and concentration of the uranium product would be covered by the proposed standards.

Selection of Affected Facilities

The choice of the affected facility for these standards is based on the Agency's interpretation of Section 111 of the Act, and judicial construction of its meaning.[1] Under Section 111, the NSPS

[1]The most important case is *ASARCO, Inc.* v. *EPA*, 578 F.2d 319 (D.C. Cir. 1978).

must apply to "new sources"; "source" is defined as "any building, structure, facility, or installation that emits or may emit any air pollutant". [Section 111(a)(3)]. Most industrial plants, however, consist of numerous pieces or groups of equipment that emit air pollutants, and that might be viewed as "sources." EPA therefore uses the term "affected facility" to designate the equipment, within a particular kind of plant, that is chosen as the "source" covered by a given standard.

In choosing the affected facility, EPA must decide which pieces or groups of equipment are the appropriate units for separate emission standards in the particular industry. The Agency must do this by examining the situation in light of the terms and purpose of Section 111. One major consideration in this examination is that the use of a narrower definition results in bringing replacement equipment under the NSPS sooner; if, for example, an entire plant were designated as the affected facility, no part of the plant would be covered by the standards unless the plant as a whole is "modified." If, on the other hand, each piece of equipment is designated as the affected facility, then as each piece is replaced, the replacement piece will be a source subject to the standards. Because the purpose of Section 111 is to minimize emissions by the application of the best demonstrated control technology (considering cost, other health and environmental effects, and energy requirements) at all new and modified sources, there is a presumption that a narrower designation of the affected facility is proper. This ensures that new emission sources within plants will be brought under the coverage of the standards as they are installed. This presumption can be overcome, however, if the Agency concludes that the relevant statutory factors (technical feasibility, cost, energy, and other environmental impacts) point to a broader definition.

The narrow designation of affected facility for metallic mineral processing plants would be each crusher, screen, conveyor belt transfer point, bucket elevator, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, and railcar unloading station.

With the narrow designation of affected facility, the standards would cover new equipment at new plants and new equipment used to expand or refurbish existing plants. Expansions of plant capacity typically occur with the addition of a new crushing line which may include one or more of each of the facilities listed above. Each of these facilities in the new crushing line would be covered by the proposed standards as a new source (affected facility), but the rest of the plant would not be affected. Replacement of an entire piece of existing process equipment (e.g., a crusher) would bring the replacement equipment under the standards as a new source. (EPA projects few cases where such replacement would occur in the metallic mineral processing industry.)

It is technologically feasible to control each facility under the narrow designation. Moreover, the Agency considers the economic, energy, and other impacts associated with the narrow designation of affected facility reasonable. As a result, EPA has selected the narrow designation of affected facility.

Selection of the Basis of the Proposed Standards

Section 111 of the Clean Air Act requires that standards of performance reflect the degree of emission limitation achievable through "application of the best technological system of continuous emission reduction that (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impacts and energy requirements) has been adequately demonstrated."

Methods currently in use to reduce particulate matter emissions at metallic mineral processing plants include both wet and dry collection. Both wet and dry collection systems involve hooding or enclosing dust-producing points, capturing the dust generated, and passing the dust-laden air through a collection device.

The proper hooding or enclosure of an emission source will require consideration of the site-specific characteristics of the source including required access to the equipment, the manner in which material is fed and recovered form the facility, the size of the equipment and its configuration relative to other sources. Having enclosed a source to the maximum extent possible, sufficient air flow must be maintained through all openings in the enclosure to prevent material from escaping the enclosure and to prevent material from settling in the ducts feeding the collection devices. Variables affecting air flow include the size of openings in the enclosures, the presence of induced drafts from conveyor belts and other material feed mechanisms, wind effects from the open atmosphere, and the density and size of material collected. The effects of these factors are presented in more detail in the Background Information Document.

An effective control device used in the metallic mineral processing industry is the fabric filter or baghouse. Greater than 99 percent particle-collection control efficency can be attained for material even as small as submicron sizes. Data gathered during emission tests on baghouse units that were used to control a variety of process operations indicate that the size distribution of particulate matter, the rock type processed, and the facility controlled do not substantially affect baghouse performance.

Other collection devices used in the metallic mineral processing industry include dry inertial cyclones and wet scrubbers. Although dry inertial collectors demonstrate 95 to 99 percent efficiency for coarse particles (40 microns and larger), their efficiency for medium and fine particles (20 microns and smaller) is less than 85 percent.

The effectiveness of wet scrubber collection devices is directly related to pressure drop across the unit. The collection efficiency for a particle size distribution increases as pressure drop increases. A typical 6-inch pressure drop wet scrubber exhibits removal efficiencies of 80 to 99 percent for particles in a range of 1 to 10 microns in diameter. High-energy wet scrubbers wth pressure drops of 30 inches can achieve efficiencies of 99.0 to 99.9 percent for particles in the 1 to 10 micron range and 95 to 99 percent for particles from 0.2 to 1 micron. Fifteen-inch pressure drop wet scrubbers provide an intermediate level of control, removing 95.0 to 99.9 percent of the particles in the 1 to 10 micron range and 80 to 95 percent of the submicron particles. Collection efficiencies for wet scrubbers of a given pressure drop is a relatively constant percentage over the range of normal particle loadings. Thus, higher inlet particle loading will result in higher outlet concentrations, all other factors held equal. At very low inlet particle loadings the percentage removal may decrease even though lower outlet concentrations are reached.

Under some conditions, a wet scrubber may be more effective than a baghouse as a collection device. Where condensation of moisture occurs in the exhaust stream, the blinding of baghouse fabric can result, reducing the effectiveness of this control device. In contrast, wet scrubber performance would not be hampered by high moisture conditions.

The selection of a particular wet scrubber pressure drop to attain a given emission level will depend on the inlet

loading and particle size distribution. Because a proposed standard must be demonstrated as achievable over the range of circumstances found in the industry, the performance of control options is analyzed in terms of worst-case conditions. This approach does not preclude the selection of other control options where better than worst-case conditions permit.

In determining the basis for the proposed standards, three regulatory alternatives were considered: to set no standards, to set standards based on the performance of 15-inch pressure drop wet scrubbers under worst-case conditions, or the set standards based on the performance of 30-inch pressure drop wet scrubbers under worst-case conditions. Because baghouses could provide emission control equivalent to 30-inch wet scrubbers under most conditions at metallic minerals plants, this control option was also considered under Regulatory Alternative 3. The environmental, economic, and energy impacts of each of these alternatives were considered, as discussed below.

In developing the regulatory alternatives, worst-case uncontrolled emmission characteristics (particulate loading and particle size) were assumed for all affected facilities at all model plants. Measurements at inlets to scrubbers and baghouses tested in support of these standards indicate that many affected facilities will not have these worst-case characteristics; however, to ensure that the recommended standard can be met in all cases, the worst-case particulate loading and particle size distributions have been assumed. Furthermore, worst-case moisture conditions that would preclude the use of baghouses have been incorporated for all affected facilities, although such high-moisture cases are expected to be limited to some dryers and a few of the crushers that process ore from underground mines. Again, because it is possible that such conditions could occur, and because accurate predictions of the frequency of such conditions in the metallic mineral processing industries are not possible, these conditions have been assumed for all facilities for the purposes of analysis. Therefore, the estimated environmental, economic, and energy impacts are overstated; however, these are consistent in their bases for all regulatory alternatives. Finally, it should be emphasized that these worst-case assumptions are made only for the purpose of analyzing possible impacts of the regulatory alternatives. The selection of an emission control option by an owner for an individual affected facility should consider the exhaust charactersitics of the individual process, and would not necessarily be based on an assumption of worst-case conditions.

If no standards were set and current control practices continued at new plants, there would be an increase in nationwide particulate matter emissions of about 13,600 Mg/yr (14,900 ton/yr) by 1985. Standards based on 15-inch pressure drop wet scrubbers would reduce the increase in emissions in 1985 to 5,400 Mg/yr (6,000 ton/yr), about a 60 percent reduction. Standards based on control by baghouses or 30-inch pressure drop wet scrubbers would reduce the increase in emissions in 1985 to 1,800 Mg/yr (2,000 ton/yr), about an 87 percent reduction. The second-maximum 24-hour average ambient ground level concentrations with baghouse control or 30-inch pressure drop scrubbers were estimated using predictive models to range from 19 micrograms per cubic meter ($\mu g/m^3$) to 131 $\mu g/m^3$. The concentrations that would result if no standards were set could by as high as 144 $\mu g/m^3$ to 1007 $\mu g/m^3$, assuming meteorological conditions that are representative of future plant locations. Similarly, standards based on control by wet scrubbers with a 15-inch pressure drop would result in second-maximum 24-hour average concentrations ranging from about 58 $\mu g/m^3$ to 403 $\mu g/m^3$.

The water pollution and solid waste impacts resulting from each of the three alternatives would be insignificant or non-existent. If no standards were set, plant processing operations would continue as in the past with neither an increase nor a decrease in water consumption or discharge. The use of baghouse control systems to meet the standards would not result in any water discharge because the standards would not require the use of any water. Solid material collected by a baghouse would be primarily ore or concentrate and would be returned directly to the process.

The use of medium and high energy wet scrubbers to meet a standard would require an increase in water consumption because higher energy scrubbers often require an increase in liquid to gas ratio compared with low energy scrubbers. Wet scrubbers designed for use in the metallic mineral processsing industry recycle water internally in order to minimize water consumption and attendant disposal problems. Solids collected by the scrubber liquid are often recycled to the wet milling operations. Alternatively, spent scrubber liquid could be combined with tailings from the beneficiation process and discharged to a tailing pond.

Tailings pond water is usually then recycled to the process after settling out the solids. The quantity of tailings that might be collected from wet scrubbers was compared with the quantity which would result from the beneficiation of metallic minerals using iron ore processing and bauxite processing as worst-case examples because less tailings are disposed of per ton of ore processed than with other metallic minerals. This comparison indicates that wet scrubber byproducts under worst-case conditions would be less than 1.0 percent of the beneficiation tailings. Thus any increase in water and solid waste pollution attributable to the proposed standards would be insignificant by comparison with the wastes generated by the wet milling and beneficiation operations.

The only source of noise that would result from the implementation of any of the three regulatory alternatives would be the exhaust fans used in baghouse or wet scrubber control systems. When compared with the noise from crushing process equipment, any additional noise from baghouse or wet scrubber control system exhaust fans would be insignificant.

Because a fabric filter baghouse uses a more efficient fan than a low energy wet scrubber while operating at the same pressure drop and air flow rate, energy consumption would be lowered with the installation of baghouses to meet the requirements of the proposed standards. Medium energy (15-inch pressure drop) and high energy (30-inch pressure drop) wet scrubbers would increase energy consumption. The energy impacts were determined by comparing the amount of energy required for control systems on affected facilities with the amount of energy consumed by the entire plant complex, including the mine and beneficiation process (but excluding iron ore pelletizing and alumina calcining). Assuming worst-case conditions, if all new plants used only high energy wet scrubbers, by 1985 the use of energy by new plants would increase by 317 TJ (300×10^9 BTU's) over that required if only low energy wet scrubbers were installed. The impact of this increase would be minimal because it represents less than 0.5 percent of the total energy consumption of all new metallic mineral plants. The maximum incremental increase in energy use at any individual new plant due to compliance with the proposed standard with 30-inch pressure drop wet scrubbers would range from 0.03 percent for aluminum plants to 7

percent for titanium/zirconium plants. The use of 15-inch pressure drop wet scrubbers at all affected facilities at all new plants would result in an energy increase of approximately half that of 30-inch pressure drop wet scrubbers by 1985.

Economic Analysis

There would be no economic impact if no standards were set. The economic impacts of standards based on 15-inch pressure drop scrubbers and standards based on 30-inch pressure drop scrubbers or baghouses were calculated by comparing their costs with the cost of 6-inch pressure drop wet scrubbers which represent projected control practice in the absence of standards of performance.

The capital costs for 30-inch pressure drop wet scrubber control for metallic mineral processing plants ranged from $144,000 (all costs in fourth quarter 1979 dollars) for a 23 Mg/h (25 ton/h) uranium plant to $2,800,000 for a 2,200 Mg/h (2,400 ton/h) iron ore plant. Corresponding annualized costs ranged from $79,000 to $1,900,000 per year. The incremental capital cost was calculated as the difference between the cost of 6- and 30-inch wet scrubbers and ranged from $29,000 for a 23 Mg/h (25 ton/h) uranium plant to $940,000 for a 2,200 Mg/h (2,400 ton/h) iron ore plant. The corresponding incremental annualized cost ranged from $28,000 to $870,000 per year. The close correspondence of incremental capital and incremental annualized costs for 30-inch pressure drop scrubbers reflects the high operating costs of 30-inch pressure drop scrubbers relative to 6-inch pressure drop scrubbers. As a percentage of the total capital cost of a new plant, the incremental capital cost of 30-inch pressure drop wet scrubbers ranged from 0.1 percent for a large iron ore plant to 0.9 percent for a small uranium plant. All capital cost comparisons presented in this preamble are based on the cost of constructing an entire mine and mill operation. The total incremental capital cost for all new plants using 30-inch pressure drop wet scrubbers would be about $5 million for the first five years that the proposed standards would be in effect. The total incremental annualized costs for new plants in the fifth year would increase by about $4,600,000.

A screening analysis of the economic impact of the proposed standard was performed by calculating the percentage increase in the price of metallic compounds that could be attributed to the implementation of the proposed standards. This analysis assumed several worst-case conditions. Plants were assumed to use only 30-inch pressure drop wet scrubbers, the control option with the highest annualized costs, to meet the proposed standards. Because it is likely that baghouses would be used at many plants and because, as will be shown below, baghouses are less costly on an annualized basis than high energy wet scrubbers, the economic impact at most new plants would be less than estimated. Model plants were assumed to recover only one primary product except for lead/zinc and titanium/zirconium plants. In many cases actual plants recover one or more byproducts which aid the profitability of the operation. Because many process operations such as crushing of ore occur irrespective of the recovery of byproducts, these byproducts would decrease the economic impact of the proposed standards.

Each of the metals or concentrates analyzed would result in a sales price increase of less than 2 percent. The increase ranged from less than 0.1 percent for a 270 Mg/h (300 ton/h) aluminum plant to 1.7 percent for a small, 140 Mg/h (150 ton/h) copper plant. The effects of the proposed standards on copper plants of this size would be mitigated by the likely recovery of byproducts such as zinc, molybdenum, gold, and silver. The increase for all other projected plants was less than 1.0 percent. Because of economics of scale, the increase for large copper plants would also be less than 1.0 percent.

The capital cost of installing baghouses is higher than the cost of 30-inch pressure drop wet scrubbers; however, the annualized cost of baghouses is less because the increased capital recovery costs are offset by the significantly lower energy requirements for baghouses. The incremental capital cost of installing baghouses at all affected facilities in a plant ranged from $62,000 for a 23 Mg/h (25 ton/h) uranium plant to $2,100,000 for a 2,200 Mg/h (2,400 ton/h) iron ore plant. As a percentage of new plant capital cost this represents a 1.8 percent and a 0.2 percent increase, respectively.

The incremental annualized cost of baghouses ranges from $17,000 for small uranium plants to $560,000 for large iron ore plants. The increase in cost of production due to the installation of baghouses would be approximately two-thirds of the corresponding impact for high energy wet scrubbers.

The total incremental capital cost to install baghouses on all new plants would be about $11 million for the first five years that the proposed standard would be in effect. The total incremental annualized cost would increase by $3,300,000 in the fifth year.

The incremental capital cost of installing 15-inch pressure drop wet scrubbers at all affected facilities points ranged from $20,000 for small uranium plants to $420,000 for large iron ore plants. This cost represents capital outlay increases for new plants of 0.6 percent and less than 0.1 percent, respectively. Incremental annualized costs ranged from $11,000 for a small uranium plant to $280,000 for large iron ore plants. The increase in cost of production due to installation of 15-inch pressure drop wet scrubbers would be approximately 40 percent of the corresponding impact for high energy wet scrubbers.

The total incremental capital cost to install 15-inch pressure drop scrubbers on all new plants would be about $2 million for the first five years that the proposed standards would be in effect. The total incremental annualized cost would increase by $1,500,000 in the fifth year.

Comparison of the alternatives indicates that the beneficial impacts of setting standards based on 30-inch pressure drop wet scrubber control (and achievable alternatively through use of a baghouse) far outweigh the adverse impacts. A significant reduction in particulate matter emissions would result from setting the proposed standards and there would be minimal adverse water pollution, solid waste, and noise impacts.

Even if high energy wet scrubbers were elected in all cases, the industry-wide increase in energy consumption would not be significant and the costs and economic impacts would be reasonable.

Wet scrubbers are designated as the best system of continuous emission reduction for matallic mineral processing plants. The standards that are being proposed can be achieved in all cases using well-designed and operated wet scrubbers. In those cases where high-moisture content in the exhaust gas is not a problem, baghouses can also readily achieve the emission limit proposed by the standard. Because high moisture is not expected to be a widespread problem in the industries, the characteristics and impacts of this technology are analyzed in the BID and in this preamble. The standards of performance do not require the installation or operation of any specific type of control equipment; rather, only the specified emission limits that must be met. Although a 30-inch pressure drop scrubber would be necessary to

meet the emission limits under moist worst-case conditions, a baghouse or a lower energy scrubber would be satisfactory in many cases.

Selection of Format for the Proposed Standards

In selecting the format for the proposed standards, it was necessary to differentiate between the two types of particulate matter emissions at metallic mineral processing plants: process fugitive emissions and stack emissions. Process fugitive emissions are those emissions from affected facilities that are not collected by a capture system. Stack emissions, on the other hand, are those emissions that are released into the atmosphere after passing through a control device. Process fugitive emissions are present when the capture system is not 100 percent effective in catching emissions. To ensure that all emissions at affected facilities are controlled by the proposed standards, it is necessary to have one standard for process fugitive emissions, which effectively requires good capture of emission, and another standard for stack emissions, which effectively requires good collection of emissions.

Process Fugitive Emissions Standard

Two different formats could be selected to limit process fugitive emissions from metallic mineral processing plants: an equipment standard or a visible emissions standard. An equipment standard would require that a specific capture device or technique be used. The Clean Air Act permits the use of equipment standards only when it is infeasible to set emissions standards.

The second alternative format for controlling process fugitive emissions is a visible emissions standard. A visible emissions standard would either specifically limit the amount of time that visible process fugitive emissions are allowed or specify the maximum allowable opacity. During tests conducted in the metallic mineral processing industry, measurements of process fugitive emissions were taken both in terms of cumulative percentage of time during which emissions occurred, and of the opacity of these emissions. While the measurements indicate that at many sites no process fugitive emissions were observed, at some sites continuous, low-level-opacity emissions were apparent. Thus a standard for process fugitive emissions is proposed that would limit the opacity of these emissions but not the duration.

Stack Emissions Standard

Four different formats could be selected to limit stack emissions from metallic mineral processing plants. These are: (1) An equipment standard, (2) a mass rate standard, limiting emissions in terms of mass of emissions per unit of production, (3) a percentage removal standard, or (4) a concentration standard, limiting the concentration of particulate matter in the effluent gases. The Clean Air Act permits the use of equipment standards only when it is infeasible to set emissions standards.

A mass emission rate standard may appear more meaningful in the sense that it directly relates the quantity of emissions discharged into the atmosphere to the production rate. However, a major disadvantage of a mass rate standard for metallic mineral processing plants is that, typically, the production or feed rate of a process operation is not measured over the short term. In addition the screening of material prior to a size reduction operation allows an amount of material to bypass the operation that cannot be precisely measured. Thus, an accurate determination of the mass of material processed through an affected facility would not be possible.

The major difficulty of a percentage removal standard is apparent when applied to sources with very low uncontrolled emission rates. While a comparable level of controlled emissions (expressed as a concentration) can be achieved by wet scrubbers and baghouses operating under a wide variety of conditions, the actual percentage removal may decrease to very low levels as uncontrolled emission rates approach zero.

A factor to consider when establishing a concentration standard is the possibility of circumventing the standard by diluting the air going to the control device. This is unlikely to occur at metallic mineral processing plants, because the size and operating costs of the control device are functions of the volume of gas treated and the cost of such a strategy probably would be prohibitive. Consequently, a concentration standard was selected for stack emissions at metallic mineral processing plants. To ensure that the air pollution control system is properly installed, operated, and maintained, and opacity standard is alse being proposed for all facilities not controlled by wet scrubbers. As discussed later in this preamble, an opacity standard for scrubbers would not be a meaningful indication of scrubber performance at metallic mineral processing plants. However, the monitoring of operating parameters of wet scrubbers (pressure drop across the unit and scrubber liquid flow rate) would be required by the proposed standards.

Selection of Emission Limits

The selection of emission limits is based on the performance of the best systems of continuous emission reduction for the metallic mineral processing industry. Because the proposed standard sets emission limits for both capture devices (such as hoods and enclosures) and control devices (such as baghouses and wet scrubbers), both capture and control devices require evaluation.

In order to broaden the range of conditions considered for the performance of the control equipment, test data for non-metallic mineral processing facilities are also included in the data base considered in the selection of emission limits. Data from the non-metallic mineral industries may be appropriately transferred to the metallic mineral industries for several reasons. Much of the process equipment relevant to the proposed standards is similar in the metallic and non-metallic processing industries. Because the ores from which metallic elements are extracted are primarily non-metallic in character, the emissions from metallic mineral processing operations are primarily non-metallic mineral constituents. Furthermore, the similarity of emissions from metallic and non-metallic processes in key parameters such as particle size distribution and mass loading provide additional evidence of similarity between the two industries. These measurements were made during the testing of both metallic and non-metallic processing facilities and form the basis for extrapolating control efficiency from one industry, whether metallic or non-metallic, to another.

Finally, a comparison of non-metallic and metallic test data indicates that several sources tested in the non-metallic mineral industries provide more difficult control conditions than those tested in the metallic mineral industries. These tests provided information on the performance of baghouses under rigorous conditions, and thus increase the understanding of the range of circumstances in which control devices might be used. These tests also help anticipate the performance of baghouses under potential "worst-case" conditions in the metallic mineral industries.

Process Fugitive Emissions Standard

Observations of visible emissions were made at hoods and enclosures to record the presence of process fugitive emissions escaping capture. Observations at both metallic and non-metallic mineral processing plants are included in the data base presented in the Background Information Document. A total of 53 operations at 13 plants were tested including all types of facilities covered by the standards. Visible emission readings were conducted in accordance with procedures outlined in EPA Method 9 (Appendix A 40 CFR Part 60) in which opacity is measured at 15-second intervals on a scale from 0 to 100 percent, to the nearest five percent. The sequence of the highest 24 consecutive readings were then averaged to give the maximum six-minute average.

The maximum six-minute average at 35 of the 53 processes tested was 0 percent. Only two facilities exceeded five percent opacity at any time. A grizzly screen at a copper operation showed maximum visible emissions of eight percent opacity and a bagging operation at a talc plant showed maximum visible emissions of nine percent.

Based on the results of the visible emissions tests, the proposed standard limits process fugitive emissions to 10 percent opacity. This standard, as shown by the data presented above and in the Background Information Document (BID), is achievable in all cases through the application of properly designed, operated, and maintained hoods and enclosures.

Stack Emissions Standard

As discussed earlier in the preamble, both baghouses and wet scrubbers are commonly used at metallic mineral processing plants. Particulate matter emissions were measured from 25 baghouses used to control emissions at crushing, screening, conveying (transfer points), and grinding operations at 13 plants in both the metallic and non-metallic mineral processing industries. The concentration of particulate matter emissions from these baghouses averaged 0.014g/dscm (0.006 gr/dscf), and never exceeded 0.041g/dscm (0.018 gr/dscf) as a 3-run average. The emission data provided by the tests indicate that baghouse performance is not substantially affected by the size distribution of particulate matter, the rock type processed, or the operation controlled.

The baghouse tests reported in the BID include a baghouse on a fluid energy grinding mill at a Fuller's earth plant, a non-metallic plant. While similar grinding operatings are not expected to be used in future metallic mineral processing plants, this test is included because it demonstrates the performance of baghouses under conditions more stringent than typically encountered in the metallic mineral industry. Because this operation reduces material to a smaller size than dry size reduction operations in the metallic mineral processing industry, emissions were characterized by a high percentage of submicron particles. In addition, uncontrolled emission rates from this facility were relatively high by comparison with most metallic mineral facilities tested. Despite these emission characteristics, the baghouse at this facility reduced emissions to a concentration of 0.007 g/dscm (0.003 gr/dscf). Thus, while the emission tests conducted at metallic mineral processing plants included only six of the 12 metals covered by the standards, worst-case conditions expected in the metallic mineral processing industries have been considered in the selection of the stack emission standard.

The performance of baghouses can be affected by the condensation of moisture in the gas stream. Such conditions can occur in dryer exhausts or when warm, moist ore from underground mines is processed in a cooler surface environment. Where moisture condensation is a problem, a wet scrubber may be the preferred control device.

Compared with the performance of baghouses, the effectiveness of wet scrubbers is more closely related to the process exhaust stream characteristics of particle size and particle concentration. Tests of 13 wet scrubbers at seven installations in the metallic minerals industry indicate that at many operations relatively low energy wet scrubbers (6- to 10-inch pressure drop) were able to reduce emissions to less than 0.05 g/dscm (0.02 gr/dscf). Several dryers tested did not meet the proposed emission limit with the low energy wet scrubbers currently used as the control equipment. Because no high energy wet scrubbers are available for testing in the metallic mineral processing industry, analyses of high energy wet scrubber performance were based on an EPA computerized scrubber model (as described in EPA report No. EPA-600/7-78-026). These analyses indicate that those dryers that were tested and showed emissions in excess of 0.05 g/dscm (0.02 gr/dscf) with a low energy wet scrubber could be controlled below that level with a high energy (30-inch pressure drop) wet scrubber.

In order to determine the performance of wet scrubbers under worst-case conditions additional modelling of high energy wet scrubbers was performed. These modelling exercises assumed the emission characteristics of the fluid energy mill described above. These modelling exercises demonstrated that a 30-inch pressure drop wet scrubber could reduce worst-case emissions to 0.05 g/dscm (0.02 gr/dscf). Because moisture has the effect of suppressing uncontrolled emission levels, the concentrations measured at the fluid energy mill are higher than typically experienced under wet conditions. Other operations tested that processed wet ore showed significantly lower emissions than the fluid energy mill, and these facilities could meet the emission levels required by the proposed standards with lower energy wet scrubbers.

The test data summarized above from the Background Information Document indicate wet scrubbers are best demonstrated technology and can be used to achieve an emission limit of 0.05 g/dscm (0.02 gr/dscf). Therefore, the proposed stack emission standard would limit emissions to this level. The wet scrubber pressure drop required to meet an emission level of 0.05 g/dscm (0.02 gr/dscf) will vary with the emission characteristics of the operations. Under worst-case conditions a 30-inch pressure drop wet scrubber may be required. In conditions of relatively low inlet particle concentrations and large particle size, lower energy scrubbers may be sufficient. In those cases where moisture condensation is not a problem, baghouses can also achieve an emission level of 0.05 g/dscm (0.02 gr/dscf).

A 7-percent opacity standard (based on 6/minute averages) is also proposed for stack emissions. Opacity data were obtained during the emission tests on which the concentration standard is based. At 21 of 25 baghouses tested the maximum 6-minute average was 0 percent opacity. At three of the remaining four baghouses the maximum six-minute opacity was one percent. The last baghouse showed visible emissions of up to six percent opacity. Therefore, a 7-percent opacity standard is being proposed to ensure the proper operation and maintenance of the air pollution control device. Facilities controlled with wet scrubbers would be exempt from the proposed opacity standard as discussed below.

The opacity standard for stack emissions would be applicable in all cases unless EPA were to approve establishment of a special opacity

standard under the provisions of 40 CFR 60.11(e). The provisions allow an owner or operator to apply to EPA for establishment of a special opacity standard for any source that meets the applicable concentration standard (demonstrated through performance tests under conditions established by EPA) but is unable to meet the opacity standard despite operating and maintaining the control equipment so as to minimize opacity. A special opacity standard might be established, for example, where an unusually large diameter stack precludes compliance with the proposed opacity standard.

Stack emission opacity data collected during the tests of wet scrubbers were inconclusive due to their high variability. Some of the highest opacity readings (e.g., 25 percent) were observed at low outlet particle concentrations (e.g., 0.006 gr/dscf); while at other facilities with outlet concentrations closer to the stack emission limits, opacity was essentially zero. Therefore, an opacity standard is not being proposed for wet scrubbers. Instead, the monitoring of the operating parameters of wet scrubbers (pressure drop and scrubber liquid flow rate) would be required by the proposed standard.

Modification and Reconstruction of Existing Facilities

Under the modification provisions applicable to all standards of performance, facilities at existing plants would be required to comply with the proposed standards if some type of physical or operational change is made that results in an increase in particulate matter emissions.

Under the modification provisions, actions that would not be considered modifications and thus would not cause an existing facility to become subject to the standards, regardless of emission increase, include the following:

1. Routine maintenance, repair, and replacement, such as replacement or refurbishing of components subject to high abrasion and impact (crushing surfaces, screening surfaces, conveyor belts, etc.).

2. An increase in the production rate, if the increase can be accomplished without a capital expenditure exceeding the product of the existing facility's Internal Revenue Service annual asset guideline repair allowance of 6.5 percent per year and the facility's basis.

3. An increase in the hours of operation.

4. Use of an alternative raw material, if the existing facility was designed to accommodate such material. Because process equipment (crushers, screens, conveyors, etc.) is designed to accommodate a variety of rock types, any change in raw material feed would not likely be considerd a modification.

5. The addition or use of any air pollution control system except when a system is removed or replaced with a system considered to be less effective.

6. The relocation or change in ownership of an existing facility.

Because most changes to metallic mineral processing plants would fall under one of the six categories listed above, there would be few cases where an existing facility would become subject to the standards as a result of modification. Typically, expansions in ore reduction capacity at an existing plant involve adding completely new process lines. The affected facilities in each new process line would be regulated as new sources subject to the proposed standards.

Under the reconstruction provisions applicable to all standards of performance, an existing facility might become subject to the standards if its components were replaced to such an extent that the fixed capital cost of new components exceeded 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility. At metallic mineral processing plants, several types of actions which constitute routine repair and maintenance could conceivably bring an existing facility under the standards within a short period of time. For example, crusher jaw and spindle surfaces and screen meshing are typically replaced on regular intervals ranging from one to six months. These replacement parts typically represent from five to 10 percent of the cost of new equipment. Thus within a period of two years or less, most existing crushers and screens could become subject to the proposed standards if such repairs were covered under the reconstruction provision. Depending on the application and the material handled, the replacement of conveyor belts could also be a routine repair item which could cause many existing conveyor belt transfer points to be subject to the proposed standards. The replacement of crushing surfaces; screen meshes, bars and plates; conveyor belts and other surfaces subject to abrasion occurs regularly to maintain the equipment in proper working order.

As noted in the preamble to the regulation regarding reconstruction of existing facilities, 40 FR 58417 (December 16, 1975), the purpose of the reconstruction provisions is to "recognize that replacement of many of the components of a facility can be substantially equivalent to totally replacing it at the end of its useful life with a newly constructed affected facility." By requiring this type of essentially new facility to comply with NSPS, the Agency furthers Congress intent of ensuring that best demonstrated control technology is applied during the turnover in the nation's industrial base. The reasoning underlying the reconstruction provisions may apply even when replacement of the components of a facility occurs over a relatively long period of time.

Section 60.15 defines the "fixed capital cost" of replacement components as the capital needed to provide all the "depreciable" components. By excluding non-depreciable components from consideration in calculating component replacement costs, this definition excludes many components that are replaced frequently to keep the plant in proper working order. There may, however, be some relatively minor depreciable components that are replaced frequently for similar purposes. In the Agency's judgment, maintaining records of the repair or replacement of these items may constitute an unnecessary burden. Moreover, the Agency does not consider the replacement of these items an element of the turnover in the life of the facility concerning Congress when it enacted Section 111. Therefore, in accordance with 40 CFR 60.15(g), these proposed standards would exempt certain frequently replaced components, whether depreciable or non-depreciable, from consideration in applying the reconstruction provisions to metallic mineral processing plant facilities. The cost of these components will not be considered in calculating either the "fixed capital cost of the new components" or the "fixed capital costs that would be required to construct a comparable new facility" under Section 60.15. In the Agency's judgment, these items are ore-contact surfaces on processing equipment, including crushing surfaces; screen meshes, bars, and plates; conveyor belts; and elevator buckets.

Other types of repairs and replacement also take place at metallic mineral processing plants over a period of time. Section 60.15 currently defines "reconstruction" as the replacement of components of an existing facility to such an extent that "the fixed capital cost of the new components" exceeds 50 percent of the "fixed capital cost" that would be required to construct a comparable entirely new facility and EPA determines that it is technologically and economically feasible to meet the applicable NSPS. Subsection (d) indicates that the "new components"

whose cost would be counted toward the 50 percent threshold include those components the owner "proposes" to replace. The question arises under this wording whether a reconstruction has occurred in the case of an owner who first seeks to replace components of an existing facility at a cost equal to, say, 30 percent of the cost of an entirely new facility and then, shortly after commencing or completing those replacements, seeks to replace an additional 30 percent. More specifically, it is uncertain whether this owner should be deemed to have made two distinct "proposals," or instead a single proposal.

EPA does not believe that the term "propose" should exclude from NSPS coverage facilities undergoing this type of extensive component replacement. Failure to cover these sources serves to undermine Congress intent that air quality be enhanced over the long term by applying best demonstrated technology with the turnover in the Nation's industrial base.

To eliminate the ambiguity in the current wording of § 60.15 and further the intent underlying Section 111 (as described above), the Agency in this notice is clarifying the meaning of "proposed" component replacements in Section 60.15. Specifically, the Agency is interpreting "proposed" replacement components under Section 60.15 to include components which are replaced pursuant to all continuous programs of component replacement which commence (but are not necessarily completed) within the period of time determined by the Agency to be appropriate for the individual NSPS involved. The Agency is selecting a 2-year period as the appropriate period for purposes of the metallic minerals NSPS being proposed today (Section 60.383(b)). Thus, the Agency will count toward the 50 percent reconstruction threshold the "fixed capital cost" of all depreciable components (except those described above) replaced pursuant to all continuous programs of reconstruction which commence within any 2-year period following proposal of these standards. In the Administrator's judgment, the 2-year period provides a reasonable, objective method of determining whether an owner of metallic mineral production facilities is actually "proposing" extensive component replacement, within the Agency's original intent in promulgating Section 60.15.

Selection of Performance Test Methods and Monitoring Requirements

Under the proposed standards, performance tests for particulate matter emissions would be required for all air pollution control devices on process equipment. Particulate matter would be measured by Reference Methods 1, 2, 3, and 5 or 17.

The proposed standards do not include any requirements for continuous emission monitoring for opacity on either baghouses or wet scrubbers. The lack of requirements for continuous stack opacity monitors for wet scrubbers logically follows from the exemption of wet scrubbers from the stack opacity standards. In addition, at many metallic mineral plants, the cost of operating continuous monitors on baghouses could be prohibitive. The total annualized cost for monitors would range from 79 percent of the annualized cost for baghouses on a 23 Mg/h (25 tons/h) tungsten ore plant to 19 percent for a 2200 Mg/h (2400 tons/h) iron ore plant. Therefore, continuous emission monitors would not be required by the proposed standards.

In order to provide an inexpensive and easily verified check of the operation and maintenance of wet scrubbers, the owner or operator of an affected facility whose emissions are controlled by a wet scrubber would be required by the proposed standards to install a device to measure scrubber liquid flow rate to within ±5 percent. The owner or operator of a wet scrubber on an affected facility would also be required to install a device to measure the pressure drop to within ±250 pascals (±1 inch water) gauge pressure. The annualized cost for these monitors would be reasonable, ranging from about seven percent of the incremental annualized cost for high energy wet scrubbers at small tungsten plants to one percent of this cost at large iron ore plants.

Impacts of Reporting Requirements

The implementation of the proposed standards would involve no reporting by industry in addition to the reports required under the General Provisions (40 CFR 60.7). The General Provisions (40 CFR 60.7) require the owner or operator of a proposed affected facility to notify the Administrator or her designated representative of the construction, anticipated startup, actual startup, and control system performance test of an affected facility. Approximately seven person-years (14,000 hours) would be required by industry for these tests and reports for the first five years after the implementation of these standards. A Reports Impact Analysis is included in the docket, and is indexed as docket item number II–B–62.

The Paperwork Reduction Act of 1980 (PL 95–511) requires EPA to submit to the Office of Management and Budget (OMB) certain public reporting/recordkeeping requirements. The reporting/recordkeeping requirements associated with this standard will be submitted to OMB for clearance before becoming effective.

Public Hearing

A public hearing will be held to discuss these proposed standards in accordance with Section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the ADDRESSES Section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the ADDRESSES section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section, in Washington, D.C. (see ADDRESSES section of this preamble).

Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) To allow interested parties to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review.

Miscellaneous

As prescribed by Section 111 of the Clean Air Act, as amended, establishment of standards of performance for metallic mineral processing plants was preceded by the Administrator's determination (40 CFR 60.16, 44 FR 49222, dated August 21, 1979) that these sources contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. In accordance with Section 117 of the Act, publication of this proposal was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. The Administrator will welcome comments on all aspects of the proposed regulation, including economic and technological issues.

This regulation will be reviewed four years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements. The reporting requirements in this regulation will be reviewed as required under EPA's sunset policy for reporting requirements in regulations.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under Section 111(b) of the Act. An economic impact assessment was prepared for the proposed regulations and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the proposed standards to insure that the proposed standards would represent the best system of emission reduction considering costs. The economic impact assessment is included in the Background Information Document.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be Major. The industry-wide annualized costs in the fifth year after the standards would go into effect would be $4.6 million, much less than the $100 million established as the first criterion for a Major regulation in the Order. The estimated price increase of less than two percent associated with the proposed standards would not be considered a "major increase in costs or prices" specified as the second criterion in the Order. The economic analysis of the proposed standards' effects on the industry did not indicate any significant adverse effects on competition, investment, productivity, employment, innovation, or the ability of U.S. firms to compete with foreign firms (the third criterion in the Order).

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Section 605 of the Regulatory Flexibility Act (RFA) requires that the Administrator certify regulations that do not have a significant impact on a substantial number of small entities. This regulation, if promulgated, will not have a significant impact on any small entities as shown by the economic analysis discussed earlier in this preamble.

List of Subjects in 40 CFR Part 60

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

Dated: August 13, 1982.

John W. Hernandez, Jr.,

Acting Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

It is proposed to amend Part 60 of Chapter I, Title 40 of the Code of Federal Regulations by adding Subpart LL as follows:

Subpart LL—Standards of Performance for Metallic Mineral Processing Plants

Sec.
60.380 Applicability and designation of affected facility.
60.381 Definitions.
60.382 Standard for particulate matter.
60.383 Reconstruction.
60.384 Monitoring of operations.
60.385 Test methods and procedures.

Authority: Secs. 111 and 301(a) Clean Air Act, as amended [42 U.S.C. 7411, 7601(a)], and additional authority as noted below.

Subpart LL—Standards of Performance for Metallic Mineral Processing Plants

§ 60.380 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the following affected facilities in metallic mineral processing plants: Each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, and railcar unloading station, with the following exceptions. All facilities located in underground mines are exempted from the provisions of this subpart. At uranium ore processing plants, all facilities subsequent to and including the beneficiation of uranium ore are exempted from the provisions of this subpart.

(b) An affected facility under paragraph (a) of this section which commences construction or modification after (date of publication in the **Federal Register**) is subject to the requirements of this part.

§ 60.381 Definitions.

All terms used in this subpart, but not specifically defined in this section, shall have the meaning given them in the Act and in subpart A of this part.

"Bucket elevator" means a conveying device for metallic minerals consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.

"Capture system" means the equipment used to capture and transport particulate matter generated by one or more affected facilities to a control device.

"Control device" means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one or more affected facilities at a metallic mineral processing plant.

"Conveyor belt transfer point" means a point in the conveying operation where the metallic mineral is transferred to or from a conveyor belt except where the metallic mineral is being transferred to a stockpile.

"Crusher" means a machine used to crush any metallic mineral, and includes but is not limited to the following types: jaw, gyratory, cone, and hammermill.

"Enclosed storage area" means any area covered by a roof under which metallic minerals are stored prior to further processing or loading.

"Metallic mineral processing plant" means any combination of equipment that extracts any of the following metals (or their concentrates) from metallic minerals or that processes the products or byproducts resulting from this extraction at the same plant site: aluminum, copper, gold, iron, lead, molybdenum, silver, titanium, tungsten, uranium, zinc and zirconium.

"Process fugitive emissions" means particulate matter emissions from an affected facility that are not collected by a capture system.

"Product packaging station" means the equipment used to fill containers with metallic compounds or concentrates.

"Railcar loading station" means that portion of a metallic mineral processing plant where metallic minerals or concentrates are loaded by a conveying system into railcars.

"Railcar unloading station" means that portion of a metallic mineral processing plant where metallic ore is unloaded from a railcar into a hopper, screen, or crusher.

"Screen" means a device for separating material according to size by passing undersize material through one or more mesh sufaces (screens) in series, and retaining oversize material on the mesh surfaces (screens).

"Stack emissions" means the particulate matter released to the atmosphere after passing through a control device.

"Storage bin" means a facility for storage (including surge bins and hoppers) of metallic minerals prior to further processing or loading.

"Surface moisture" means water which is not chemically bound to a metallic mineral or metallic concentrate.

"Thermal dryer" means a unit in which the surface moisture content of a metallic mineral or a metallic concentrate is reduced by contact with a heated gas stream.

"Truck loading station" means that portion of a metallic mineral processing plant where metallic minerals or concentrates are loaded by a conveying system into trucks.

"Truck unloading station" means that portion of a metallic mineral processing plant where metallic ore is unloaded from a truck into a hopper, screen, or crusher.

§ 60.382 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from an affected facility any stack emissions that:

(1) Contain particlate matter in excess of 0.05 grams per dry standard cubic meter.

(2) Exhibit greater than 7 percent opacity, unless the stack emissions are discharged from an affected facility using a wet scrubbing emission control device.

(b) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from an affected facility any process fugitive emissions that exhibit greater than 10 percent opacity.

§ 60.383 Reconstruction.

(a) The cost of replacement of ore-contact surfaces on processing equipment shall not be considered in calulating either the "fixed capital cost of the new components" or the "fixed capital cost that would be required to construct a comparable new facility" under § 60.15. Ore-contact surfaces are crushing surfaces; screen meshes, bars, and plates; conveyor belts; and elevator buckets.

(b) Under § 60.15, the "fixed capital cost of the new components" includes the fixed capital cost of all depreciable components (except components specified in paragraph (a) of this section) which are or will be replaced pursuant to all continous programs of component replacement commenced within any 2-year period following [date of publication in **Federal Register**].

§ 60.384 Monitoring of operations.

(a) The owner of operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate a monitoring device for the continuous measurement of the pressure loss of the gas stream through the scrubber for any affected facility using a wet scrubbing emission control device. The monitoring device must be certified by the manufacture to be accurate within ±250 pascals (±1 inch water) gauge pressure and must be calibrated on an annual basis in accordance with manufacturer's instructions.

(b) The owner or operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate a monitoring device for the continous measurement of the scrubbing liquid flow rate to a wet scrubber for any affected facility using any type of wet scrubbing emission control device. The monitoring device must be certified by the manufacturer to be accurate within ± 5 percent of design scrubbing liquid flow rate and must be calibrated on an annual basis in accordance with manufacturer's instructions.

§ 60.385 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance with the standards prescribed under § 60.382 as follows:

(1) Method 5 or Method 17 for concentration of particulate matter and associated moisture content;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate;

(4) Method 3 for gas analysis.

(b) For Method 5, the following stipulations shall apply:

(1) The sampling probe and filter holder may be operated without heaters if the gas stream being sampled is at ambient temperature;

(2) For gas streams above ambient temperature, the sampling train shall be operated with a probe and filter temperature slightly above the effluent temperature (up to a maximum filter temperature of 121°C (250°F)) in order to prevent water condensation on the filter;

(3) The minimum sample volume shall be 1.7 dscm (60 dscf).

Sec. 114, Clear Air Act, as amended, (42 U.S.C. 7414)

[FR Doc. 82-23136 Filed 8-23-82; 8:45 am]

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Notices

Federal Register
Vol. 47, No. 164
Tuesday, August 24, 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

Soil Conservation Service

Southeastern Wyoming RC&D Area Critical Area Treatment, Wyoming

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Enviromental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 FR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Southeastern Wyoming RC&D Area critical area treatment measures in Albany, Converse, Goshen, Laramie, and Platte Counties, Wyoming.

FOR FURTHER INFORMATION CONTACT: Mr. Frank S. Dickson, Jr., State Conservationist, Soil Conservation Service, P.O. Box 2440, Casper, Wyoming 82602, telephone 307-261-5201.

SUPPLEMENTARY INFORMATION: The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, nor national impacts on the environment. As a result of these findings, Mr. Frank S. Dickson, Jr., State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

These measures concern plans for critical area treatment. The planned works of improvement may include small grade stabilization structures, diversions, woody and herbaceous plantings, mulching, debris basins, fencing, grassed waterways, and plant watering systems.

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. Frank S. Dickson, Jr. The FONSI and the Environmental Assesment Summary have 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 on implementation of these proposals will be taken until 30 days after the date of this publication in the **Federal Register.**

Dated: August 16, 1982.

Frank S. Dickson,

State Conservationist.

(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.)

[FR Doc. 82-23171 Filed 8-23-82; 8:45 am]

BILLING CODE 3410-16-M

Gray County Critical Area Treatment RC&D Measure, Texas; 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 Gray County Critical Area Treatment RC&D Measure, Gray County, Texas.

FOR FURTHER INFORMATION CONTACT: George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas, 76503, telephone 817-774-1214.

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, George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment at seven severely eroding gullied areas. Planned works of improvement include installing grade stabilization structures and shaping the adjacent eroding areas. All areas will be fenced and vegetated. This will involve 31 acres of eroded areas and 18 acres of rangeland adjacent to the eroded areas.

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 George C. Marks.

No administrative action on implementation of the proposal will be taken until September 23, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 10, 1982.

Carl B. Fountain,

Acting State Conservationist.

[FR Doc. 82-22894 Filed 8-23-82; 8:45 am]

BILLING CODE 3410-16-M

Hagar Township Park RC&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 Hagar Township Park RC&D Measure, Berrien 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 practices for critical area treatment and public water-based recreation. Critical area treatment measures will include: one erosion control structure, a diversion and critical area planting. Public water-based recreation measures will include: one picnic area with tables, outdoor cooking grills, a paved parking lot, fencing and one children's play apparatus. Total construction cost is estimated to be $42,300; $22,300 RC&D funds and $20,000 local funds.

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 23, 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: August 9, 1982.

Homer R. Hilner,

State Conservationist.

[FR Doc. 82-22893 Filed 8-23-82; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 82-8-82; Docket 40915]

Pan American World Airways, Inc. and British Airways; Request for Relief from Unfair, Discriminatory and Restrictive Practices

In the matter of complaint of Pan American World Airways, Inc. against British Airways, requesting relief under Section 402(f) of the Federal Aviation Act of 1958, as amended, and Section 2(b) of the International Air Transportation Fair Competitive Practices Act of 1974, as amended, from unfair, discriminatory and restrictive practices.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of August, 1982.

On August 11, 1982, Pan American World Airways, Inc. (Pan Am) filed a complaint against British Airways. The complaint states that British Airways (BA) has been and is seeking to continue discriminatory policies directed against Pan Am by requiring Pan Am to pay BA prorates far beyond London European interline traffic that travels on BA that are substantially higher than the prorates BA applies to all other carriers for the same transportation. Pan Am maintains that this discriminatory policy of BA warrants relief under sections 9 [1] and 23 [2] of the International Air Transportation Competition Act of 1979 (IATCA). Pan Am asks us to initiate sanctions against BA, expeditiously and without oral evidentiary hearing, designed to withdraw BA's right to sell through fares between the United States and Continental Europe. As an initial sanction, Pan Am recommends that we suspend BA's tariffs offering fares beyond London and force BA to sell a combination of fares via the United Kingdom.

In support of its complaint, Pan Am alleges that BA provides service in numerous London-Europe markets, including many that Pan Am does not serve and has no authority to serve; that for many years Pan Am and BA have agreed to exchange U.S.-European passengers that choose to travel on their combined services between the United States and Europe over London; that until recently the revenues paid by these connecting passengers have been divided by the two carriers in accordance with an agreed-upon formula that essentially was the "Straight Rate" Prorate formula, but with the fare type for use by each party specifically agreed upon; that Pan Am has been advised by BA that it is requiring Pan Am to pay specific amounts for certain interline traffic carried by BA between London and Continental Europe according to a formula that will produce for BA amounts that are between 75 and 140 percent greater than the amounts that would be produced by the normal "Straight Rate" Prorate formula; that at the same time, BA continues to apply the "Straight Rate" formula to the interline traffic of all other carriers; and that this discriminatory policy will result in a fare allocation for through discount and other promotional fares that would be uneconomic for Pan American or any other carrier. Pan American alleges that on virtually all of the London-Europe routes in question there is only BA and the national carrier of the other country to choose from and that the result of the BA prorate requirement will put Pan American at a competitive sales disadvantage, either by denying Pan American intra-Europe seats for connections or by requiring Pan American to charge higher fares than its competitors for U.S.-Europe transportation. In these circumstances, Pan American maintains that it was forced to enter into new prorate agreements with BA for the 1982 peak season that provide BA with an amount that is somewhat less than it wanted originally, but substantially more than the traditional "Straight Rate" basis; that these agreements cover only Pan American tickets issued through September 15, 1982. In Pan American's view, BA should not be permitted to sell U.S.-Europe transportation (6th freedom to BA) at fare levels below those they force upon Pan American, or otherwise create a dominant position by exerting undue economic pressure against Pan Am or other U.S. carriers to dislodge them from the market.

The International Air Transportation Competition Act of 1979 substantially expanded our ability to deal with allegations of unfairly restrictive and discriminatory practices by foreign governments and foreign air carriers. We now possess power to respond quickly to such practices through amendments to section 402 of the Federal Aviation Act and section 2 of the IATFCPA which permit us to deny, alter, amend, modify, suspend, cancel, limit or condition any foreign air carrier permit or tariff if we find such action to be in the public interest. These statutory provisions also authorize the Board to act without any hearing or to dispense with oral evidentiary hearings and base

[1] Section 402(f) of the Federal Aviation Act, as amended.

[2] Section 2 of the International Air Transportation Fair Competitive Practices Act of 1974.

its decision on written evidence and arguments submitted by interested parties in appropriate circumstances. Furthermore, to ensure that complaints filed under the new legislation receive prompt attention, section 2 of the IATFCPA provides that the Board shall approve, deny, dismiss or set a complaint for hearing, or institute other proceedings proposing remedial action, within 60 days after receipt of the complaint. We may extend the period for taking action in increments of 30 days up to 180 days, if we conclude that it is likely that the complaint can be satisfactorily resolved through negotiations.

With these considerations in mind, we have decided to invite all interested persons to answer the complaint of Pan Am in this docket. Answers shall include all data, evidence, and argument upon which persons rely to support their position, and shall cover all substantive and procedural issues they wish the Board to consider. We will also provide an opportunty to reply to the answers.

As noted, Pan American requests that we act expeditiously on its complaint. In order to be in a position to respond to the complaint in a fair and effective manner, either through regulatory action or intergovernmental discussions, we are establishing an expedited procedural schedule for these pleadings. Specifically, answers shall be filed no later than 7 days from the service date of this order, and replies no later than 5 days from the answer date.[3]

After receipt and consideration of these pleadings and any evidence submitted, we will issue a further order in this proceeding.

Accordingly

1. We invite any interested person to file and serve upon persons named in paragraph 3 below, no later than August 27, 1982, answers to the complaint of Pan Am in Docket 40915. If comments are filed, replies may be filed and must be served as above, not later than September 3, 1982;

2. If timely and properly supported requests are filed, we will give consideration to the matters and issues raised by the requests before we take further action, provided that we may order further procedures within the statutorily determined time period; and

3. We shall serve this order upon Pan American World Airways, Inc., British Airways, all U.S. and foreign carriers served with the Complaint in Docket 40915, the Ambassador of the United Kingdom in Washington, D.C., and the Departments of State and Transportation.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-23192 Filed 8-23-82; 8:45 am]

BILLING CODE 6320-01-M

[3] We delegate to the Director, Bureau of International Aviation, the authority to dispose of all procedural questions arising in this proceeding, except for requests for oral evidentiary hearing, until further Board order.

[Order 82-8-86]

Order to Show Cause; Yusen Air & Seas Service (U.S.A.) Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice.

SUMMARY: The Board proposes to deny authority to operate as a foregin freight forwarder in interstate and overseas air transportation to Yusen Air & Sea Service (U.S.A.) Inc., a Japanese air freight forwarder, because the Government of Japan does not allow U.S. citizens to obtain like authority in that country.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions as described in the order cited above, shall, no later than September 10, 1982, file a statement of such objections with the Civil Aeronuatics Board (20 copies) and mail copies to the applicant, to the Ambassador of Japan in Washington, D.C., and to the Department of State and Transportation.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board may enter an order which would make final the Board's tentative findings and conclusions and deny an amended foreign freight forwarder registration to the applicant.

ADDRESSES FOR OBJECTIONS:

Docket 40931, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428

Yusen Air & Sea Service (U.S.A.) Inc., c/o Nathan J. Bayer, Esq., Freehill, Hogan & Mahar, 80 Pine Street, New York, New York 10005

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Dean L. Johnson (202) 673-5371, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 18, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-23193 Filed 8-23-82; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Maine 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 Maine Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m. on September 22, 1982, at the Maine Teachers Association, 35 Community Drive, Augusta, Maine, 04330. The purpose of the meeting will be to review project proposals on affirmative action and bilingual education and to evaluate a program on women and welfare.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Lois G. Reckitt, 38 Myrtle Avenue, South Portland, Maine, 04106, (207) 775-1451 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 19, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-23157 Filed 8-23-82; 8:45 am]

BILLING CODE 6335-01-M

Michigan 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 Michigan Advisory Committee to the Commission will convene on September 15, 1982, at 1:00 p.m. and will adjourn 12:00 p.m. on September 16, 1982, at the Walker Cisler Center, Lake Superior State College, in the T.B.S. Room, West Easterday, Sault St. Marie, Michigan, 49783. The purpose of this meeting is to discuss affirmative action, minority lending and financing and school tuition tax credits.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. M. H. Rienstra, 1225 Thomas South East, Grand Rapids, Michigan, 49506, (616) 949–4000 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 19, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–23159 Filed 8–23–82; 8:45 am]

BILLING CODE 6335–01–M

Oregon 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 Oregon Advisory Committee to the Commission will convene at 12:00 p.m. and will end at 5:00 p.m. on September 27, 1982, at the Portland Hilton, 921 South West Sixth, in the Director's Room, Portland, Oregon, 97204. The purpose of the meeting will be to review and decide on Committee program activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Thomas J. Sloan, 215 North West Orchard Drive, Portland, Oregon, 97229, (503) 627–8162 or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle, Washington, 98174, (206) 442–1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 19, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc 82–23158 Filed 8–23–82; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Tool Steel From Brazil; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in Brazil of tool steel receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of tool steel are materially injuring, or threatening to materially injure, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before September 13, 1982, and we will make ours on or before October 25, 1982.

EFFECTIVE DATE: August 24, 1982.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; (202)/377–2786.

SUPPLEMENTARY INFORMATION:

Petition

On July 30, 1982, we received a petition from counsel for A1 Tech Specialty Steel Corporation; Braeburn Alloy Tool Steel Division, Continental Copper & Steel Industries, Inc.; Carpenter Technology Corporation; Columbia Tool Steel Corporation; Crucible Specialty Metals Division, Colt Industries, Inc.; Cyclops Corporation; Guterl Special Steel Corporation; Jessop Steel Company; Latrobe Steel Company; on behalf of the U.S. industry producing tool steel and the United Steelworkers of America, AFL/CIO. The petitioners allege that manufacturers, producers, or exporters in Brazil of tool steel receive benefits that constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act). The petitioners further allege that imports of this product are materially injuring, or threatening to materially injure, a U.S. industry.

Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act; accordingly, title VII of the Act applies and an injury determination is required.

Scope of the Investigation

For Purposes of this investigation, the term "tool steel" covers hot-finished tool steel, cold-finished tool steel, high speed tool steel, chipper knife steel and band saw steel bars and rods as currently provided for in items 606.9300, 606.9400, 606.9505, 606.9510, 606.9520, 606.9525, 606.9535, 606.9540, 607.2800, 607.3405, 607.3420, 607.4600, 607.5405, and 607.5420 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation, and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petition on tool steel and have found that it meets these requirements.

Based on our review of the petition, we have determined there is sufficient evidence of subsidization of the manufacture, production, or exportation of tool steel and of material injury, or threat thereof, to an industry in the United States to warrant initiation of a countervailing duty investigation.

Therefore, in accordance with section 702(c) of the Act, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Brazil of tool steel as specified in the "Scope of the Investigation" section of this notice receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If the investigation proceeds normally, we will make our preliminary determination by October 25, 1982.

Allegations of Subsidies

The petitioners allege that producers, manufacturers, or exporters in Brazil of tool steel benefit from the following subsidies: capital subsidies funded by IPI rebates, subsidized capital loans, excessive remission of the IPI, income tax exemption, exemption of capital equipment from import duties and the IPI, extension of the period for carrying tax losses forward, special amortization of pre-operational expenses, preferential working capital financing for exports, and reduced freight rates.

Notification of ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission of this action and to provide it with the information used to arrive at this determination. We will notify the ITC and made available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination By ITC

The ITC will determine by September 13, 1982, whether there is a reasonable indication that imports of tool steel from Brazil are materially injuring, or threatening to materially injure, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, it will continue according to the statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 18, 1982.

[FR Doc. 82-23143 Filed 8-23-82; 8:45 am]

BILLING CODE 3510-25-M

Tool Steel From the Federal Republic of Germany; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether tool steel from the Federal Republic of Germany is being sold, or is likely to be sold, in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of tool steel are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its determination on or before September 13, 1982, and we will make ours on or before January 6, 1983.

EFFECTIVE DATE: August 24, 1982.

FOR FURTHER INFORMATION CONTACT: Raymond G. Busen, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377-1784.

SUPPLEMENTARY INFORMATION:

Petition

On July 30, 1982, we received a petition filed by counsel on behalf of A1 Tech Specialty Steel Corporation; Continental Copper & Steel Industries, Inc., Braeburn Alloy Steel Division; Carpenter Technology Corporation; Columbia Tool Steel Corporation; Colt Industries, Inc., Crucible Specialty Metals Division; Cyclops Corporation; Guterl Special Steel Corporation; Jessop Steel Company; and Latrobe Steel Company, on behalf of the United States industry producing tool steel, and the United Steelworkers of America AFL-CIO/CLC. In compliance with the filing requirements of § 353.36 of the Commerce regulations (19 CFR 353.36), the petition alleges that imports of tool steel from the Federal Republic of Germany are being sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industy. The petition further alleges that this product is being sold in the United States and in the Federal Republic of Germany at less than the cost of production.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on tool steel and have found that it meets these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether tool steel from the Federal Republic of Germany is being sold, or is likely to be sold, in the United States at less than fair value. We will also investigate whether sales in the home market of tool steel have been made at less than the cost of production. If the investigation proceeds normally, we will make our preliminary determination by January 6, 1983.

Scope of the Investigation

The product covered by this investigation is tool steel as used in hand tools or for cutting, shaping, forming, and blanking of materials at either ordinary or elevated temperatures. Tool steel covers hot-finished tool steel and cold-finished tool steel, high speed tool steel, chipper knife steel, and band saw steel bars and rods. It is currently classified under item numbers 606.9300, 606.9400, 606.9505, 606.9510, 606.9520, 606.9525, 606.9535, 606.9540, 607.2800, 607.3405, 607.3420, 607.4600, 607.5405, and 607.5420 of the *Tariff Schedules of the United States Annotated.*

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided that the ITC confirms it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by September 13, 1982, whether there is a reasonable indication that imports of tool steel from the Federal Republic of Germany are materially injuring, or are threatening to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, the investigation will proceed according to statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 18, 1982.

[FR Doc. 82-23114 Filed 8-23-82; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

National Voluntary Laboratory Accreditation Program (NVLAP); Preliminary Finding of Need to Accredit Laboratories That Test Window and Door Products

AGENCY: National Bureau of Standards, Commerce.

ACTION: Request for comments on a preliminary finding of need to accredit laboratories that test window and door products.

SUMMARY: Under the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Part 7a) this notice announces the National Bureau of Standards' preliminary finding of need to accredit testing laboratories that test window and door products (aluminum, plastic, steel, and wood). The initial set of test methods proposed by the requestor, The Associated Laboratories, Inc., Dallas, Texas, for inclusion in this laboratory accreditation program (LAP) is set forth in the Appendix. This notice sets out the basis for the preliminary finding of need, including how accreditation of laboratories that test window and door products would benefit the public interest. Comments are invited.

DATES:

Written comments are due on or before October 25, 1982.

A request for an informal hearing may be made before September 8, 1982.

FOR FURTHER INFORMATION CONTACT: John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, DC 20234; (301) 921-3431.

SUPPLEMENTARY INFORMATION:

Background

The Department of Housing and Urban Development (HUD) in a letter dated December 16, 1981 to the Department of Commerce (DOC) requested, under the NVLAP procedures for use by Federal agencies (15 CFR Part 7b), that HUD and DOC work together to establish a laboratory accreditation program for window and door products (aluminum, plastic, steel and wood). The request from HUD was published in the **Federal Register** on January 21, 1982 (47 FR 3025-3026) for public comment. The notice requested that comments be sent to HUD with a copy of the comments to the National Bureau of Standards (NBS).

Under the NVLAP procedures the requesting Federal agency makes the decision to proceed or withdraw the request to proceed with the development of the LAP based on the comments received. Public comment received by HUD led it to the conclusion, stated in a letter dated May 12, 1982 to NBS, that the request should be withdrawn so that other interested parties could act as proponents of the proposed program. NVLAP is, by design, responsive to requests for development of LAPs and as such, was responsive to HUD in withdrawing this request. As that proposed LAP was offered in response to HUD's request under the optional procedure open to Federal agencies, proponents of the LAP may not have chosen to indicate their interest in or support for the program.

The notice announcing HUD's decision was published in the **Federal Register** on May 28, 1982 (47 FR 23509-23510). The notice invited any interested party who feels there is a need to accredit laboratories that test window and door products to provide information that would support a preliminary finding of need under the provisions of the NVLAP procedures for the private sector (15 CFR Part 7a). Such a preliminary finding of need would then be published in the **Federal Register** and comments requested to ascertain the overall support for the proposed program.

Following the decision by HUD to withdraw its request to establish the proposed LAP so as to allow other proponents an opportunity to request the LAP, NBS received a letter from Mr. Theodore P. Pritsker, President, The Associated Laboratories, Inc., Dallas, Texas. Mr. Pritsker's letter requests NBS to find that there is a need to accredit testing laboratories that test window and door products. Mr. Pritsker included in his request a list of test methods which are to be included in this proposed LAP. The list is included in the appendix to this notice.

Section 7a.4(b) of the NVLAP procedures sets out the requirements to be met by those persons who seek to have NBS find that there is a need to accredit testing laboratories which test window and door products (aluminum, plastic, steel, and wood).

This request provides all the basic information required by the NVLAP procedures to establish a preliminary finding of need for a LAP for testing laboratories that test window and door products (aluminum, plastic, steel, and wood).

Request for Comments

Interested persons desiring to comment on the preliminary finding of need are invited to submit their comments on or before October 25, 1982, to the Director, Office of Product Standards Policy, National Bureau of Standards, TECH B154, Washington, DC 20234.

Any person desiring to express his or her views in an informal public hearing relative to this preliminary finding of need must do so by communicating that desire in writing on or before September 8, 1982, to the Director, Office of Product Standards Policy (OPSP). Upon receipt of such a request, an informal public hearing(s) will be held to give all interested persons an opportunity orally to present data, views, or arguments in addition to the opportunity to make written submissions. If deemed appropriate, hearings may be held at two locations, one of which will be east of and the other west of the Mississippi River. Notice of any hearings will be published in the **Federal Register** at least 20 days in advance thereof. A transcript will be made of any oral presentation.

Comments are invited particularly to determine whether there is a need to establish a LAP for "window and door products testing". The specific standards and test methods identified by the requestor are initially proposed for inclusion in the LAP. As a result of comments in response to this preliminary finding of need, additional standards and test methods related to the testing of window and door products could be included.

Procedure Following Receipt of Comments

Upon receipt of all written and oral comments and any testimony, a thorough evaluation of the comments and testimony will be undertaken. Upon completion of that evaluation, a notice will be published in the **Federal Register** announcing a final finding of need to accredit testing laboratories which test window and door products, or announcing withdrawal of the preliminary finding of need. That notice will set out the basis for a final finding of need or for the withdraw of the preliminary finding of need.

Documents in Public Record

The documents mentioned or otherwise referenced in this notice are part of the public record and are available for inspection and copying in the DOC Central Reference and Records Inspection Facility (CRRIF), Room 6628, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW., Washington, D.C. 20230.

All written and oral comments and testimony in response to this notice will be made part of the public record and will be available for inspection and copying at CRRIF.

Dated: August 18, 1982.

Ernest Ambler,

Director, National Bureau of Standards.

PRELIMINARY FINDING OF NEED

The request of The Associated Laboratories, Inc. that NBS find that there is a need to accredit testing laboratories that test window and door products (aluminum, plastic, steel, and wood) has been carefully considered. The analysis of that request is contained in the report entitled "NVLAP Summary and Analysis Report of Request for a Laboratory Accreditation Program for Testing Window and Door Products". Each heading which follows is keyed to the specific actions of the NVLAP procedures relative to making a preliminary finding of need.

Identification of the Product (Section 7a.4(b)(1))

The requestor identified the product as windows and doors (aluminum, plastic, steel, and wood).

Text of Applicable Standards and Test Methods (Section 7a.4(b) (2) and (3))

The requestor identified 9 applicable test methods (see Appendix). In addition, the requestor cited a standard containing criteria for evaluating agencies that conduct the tests, and listed 8 additional test methods which

could be included in a future expansion of the LAP. However, 4 of the 8 additional test methods have not as yet been fully approved by the voluntary standards organization developing them. Those 4 test methods, although listed in the appendix, can not be included in the LAP until fully approved.

Section 7a.4(i) of the NVLAP procedures allows standards and test methods to be added to a LAP once a LAP is established if the additional standards and test methods fall within the scope of the LAP. At some future date, or even as a result of comments in response to this preliminary finding of need, additional standards/test methods directly related to testing of window and doors products could be included.

The 8 additional test methods suggested by the requestor for future expansion of the LAP are listed in the appendix.

The standard cited by the requestor to be used in evaluating agencies that conduct testing on windows and door products is identified in the appendix.

Basis of Need (Section 7a.4(b)(4))

The requestor included in his request information pertinent to the five items set out in section 7a.5 of the NVLAP procedures. The five items are: (1) Benefit to the public; (2) national need to accredit testing laboratories that test window and door products; (3) existence of important test methods or standards; (4) existence of a valid testing methodology; and (5) the feasibility and practicability of accrediting testing laboratories. This information is incorporated in the discussion under the section of this notice entitled *"Basis for Preliminary Finding of Need for Accrediting Laboratories That Test Window and Door Products (Section 7a.5)"*.

Number of Laboratories and Users (Section 7a.4(b)(4)(i)(ii)

The requestor included a list of 23 testing laboratories which are presently engaged in the testing of various products covered by the test methods as potential participants.

The requestor indicated in its request that there are presently in excess of 250 manufacturers, 17 testing laboratories and 4 administrators of the HUD Certification program for windows and door in the aluminum segment of the industry. When the hybrid materials, wood, steel and plastic segments are added, it is impossible to estimate the actual number of potential users of the accreditation program in the entire industry. Although the total number of testing laboratories and users is not explict, the request does reflect the potential interest.

Basis for Preliminary Finding of Need for Accrediting Laboratories That Test Window and Door Products (Section 7a.5)

The basis for this preliminary finding of need, keyed to the information items listed in section 7a.5 of the NVLAP procedures, is as follows:

(1) *Whether the establishment of general or specific criteria and other conditions for accrediting testing laboratories that test window and door products would benefit the public interest (section 7a.5(a))*. The requestor indicated that criteria and other requirements for accrediting laboratories would benefit the public interest by:

(a) Eliminating the need for the four HUD Certification program administrators for windows and doors to approve each testing laboratory on a biannual basis.

(b) Eliminating the need to establish a fee system, for the quadruple approval of the laboratories, the cost of which would probably be passed on to consumers.

(c) Elimination of a possible conflict of interest among HUD administrators who test products in addition to accrediting other laboratories which test products.

(d) The establishment of this proposed LAP could insure uniformity in the evaluation of the testing laboratories.

(2) *Whether there is a national need to accredit testing laboratories that test window and door products beyond that served by any existing laboratory accreditation programs in the public and private sector (section 7a.5(b)*. The items listed by the requestor in (1) above suggest that the proposed LAP would eliminate the present accreditation by four HUD Certification program administrators for windows and doors, which would result in one evaluation agency; being more efficient, less costly, and more likely to insure the uniformity of evaluations.

In addition, the NBS staff has had a number of discussions with personnel from the Architectural Aluminum Manufacturers Association (AAMA) who operate a product certification program which has been accredited by the American National Standards Institute. AAMA has endorsed the concept of laboratory accreditation and this LAP may be of interest to them and to other similar associations representing makers of wood and plastic windows and doors.

(3) *Whether for window and door product testing, there is in existence a standard important to commerce, consumer well-being, or public health and safety (section 7a.5(c)*. The requestor stated that he believes the use of ASTM Standard E699 and NVLAP evaluation criteria would result in considerable efficiency and stability within the window and door industry. He also suggested that there were a number of other standards which should be included in the LAP which would be important to energy conservation, consumer well-being, and public safety.

(4) *Whether there is in existence a valid testing methodology (section 7a.5(d)*. The requestor listed 9 test methods that should be (see Appendix) initially included in this proposed LAP. These test methods are contained in standards of the American Society for Testing and Materials (ASTM) and appear to be satisfactory for use in a laboratory accreditation program.

(5) *Whether it is feasible and practical to accredit testing laboratories that test window and door products (section 7a.5(e)*. NBS is not aware of any characteristic of the ASTM test methods listed in the appendix that would make a window and door products LAP less feasible and practical than the other LAPs now under NVLAP. Although there is a testing laboratory program in existence, under the HUD Certification program for window and doors, the establishment of the proposed LAP under NVLAP would as stated by the requestor, create economy, efficiency, stability and uniformity in the evaluation of the testing laboratories.

Preliminary Finding of Need

The request to find that there is a need to accredit testing laboratories that test window and door products has been carefully examined. Based on that examination, which is described above, it is preliminarily found that a need exists to accredit testing laboratories that test window and door products. It is proposed that if a final finding of need is made, this LAP initially would include the test methods listed in the appendix, as annotated. Other standards/test methods would be added in the future, as requested, if they meet the requirements of the NVLAP procedures.

Appendix—List of Applicable Standards

Designation and Title

ASTM E283—Standard Test Method for Rate of Air Leakage Through Exterior Windows, Curtain Walls and Doors

ASTM E330—Standard Test Method for Structural Performance of Exterior Windows, Curtain Walls, and Doors by Uniform Static Air Pressure Difference

ASTM E331—Standard Test Method for Water Penetration of Exterior Windows,

Curtain Walls, and Doors by Uniform Static Air Pressure Difference
ASTM E405—Standard Method of Wear Testing Rotary Operators for Windows
ASTM E546—Standard Test Method for Frost Point of Sealed Insulating Glass Units
ASTM E547—Standard Test Method for Water Penetration of Exterior Windows, Curtain Walls, and Doors by Cyclic Static Air Pressure Difference
ASTM E576—Standard Test Method for Dew/Frost Point of Sealed Insulating Glass Units in Vertical Position
ASTM E773—Standard Test Method for Seal Durability of Sealed Insulating Glass Units
ASTM E783—Standard Method for Field Measurement of Air Leakage Through Installed Exterior Windows and Doors

Standard Criteria for Evaluating Agencies That Conduct Tests

ASTM E699—Standard Criteria for Evaluation of Agencies Involved in Testing, Quality Assurance, and Evaluating Building Components in Accordance With Test Methods Promulgated by ASTM Committee E-6

Potential Test Methods for Future Expansion

ASTM E741—Standard Practice for Measuring Air Leakage Rate by the Trace Dilution Method
ASTM E779—Standard Practice for Measuring Air Leakage Rate by the Fan Pressurization Method
ANSI Z97.1—Performance Specifications and Methods of Test for Safety Glazing Materials Used in Buildings
CPSC-16FR1201—Architectural Glazing Materials
Thermal Performance—Test Method for the Determination of Thermal Performance of Windows and Doors (presently under preparation by ASTM Committee E-6)
Forced Entry Resistance of Sliding Glass Doors (presently under preparation by ASTM Committee E-6)
Forced Entry Resistance of Windows (presently under preparation by ASTM Committee E-6)
Deglazing Test (presently under preparation by ASTM Committee E-6)

[FR Doc. 82-23034 Filed 8-23-82; 8:45 am]
BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council, Its Scientific and Statistical Committee and Its Advisory Panel; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Scientific and Statistical Committee (SSC) and Advisory Panel (AP) to assist the Council in carrying out its responsibilities under the Act. The Council, its SSC and AP will hold separate public meetings.

DATES: The Council meeting will convene on Tuesday, September 21, 1982, at approximately 2 p.m., at the Centennial Building in Sitka, Alaska and will adjourn on Thursday, September 23, at noon. Both the SSC and AP meetings will convene on Monday, September 20, 1982, at approximately 2 p.m., also at the Centennial Building in Sitka. The meetings may be lengthened or shortened depending upon progress on the agenda items.

Proposed Agenda: *Council*—A detailed agenda will be sent to the public around September 3, 1982. The Council will hear reports on domestic and foreign fisheries, enforcement and surveillance, the status of the yellowfin sole resource and joint venture operations. An evening session is scheduled for Tuesday, September 21, 1982, for public hearings on the troll salmon fishery. The Council will accept testimony on other fishery management plans by agenda item during the meeting.

The Council will take final action on Amendment #8 to the Tanner Crab Fishery Management Plan (FMP), which is intended to remove differences between State and Federal tanner crab regulations, and Bering Sea/Aleutian Islands Groundfish Amendment #6, which proposes to establish a domestic fishery development zone closed to foreign fishing north of Unimak Pass and allow year-round foreign longlining at depths less than 500 meters in the Winter Halibut Savings Area. The Council will also clarify its action from the July 1982, meeting on Amendment #11 to the Gulf of Alaska Groundfish FMP to prohibit use of pot gear for sablefish from Cape Addington to 140° W longitude. The Council will review and possibly take action on a draft amendment to the Bering-Chuckchi Sea Herring FMP to provide additional protection for northern offshore herring stocks by reducing the potential surplus left after the inshore fishery before making allocations to an offshore fishery. Other revisions state that no surplus for a directed foreign herring fishery is expected (total allowable level of foreign fishing = 0) and that the initial apportionment to a U.S. food and bait fishery along the Alaska Peninsula and Aleutians as now provided in the plan will be clarified based on latest information available.

National Marine Fisheries Service Central Office (Washington, D.C.), staff will report on the progress of Secretarial review of the Bering Sea/Aleutian Islands King Crab FMP. The Council will receive reports on the 1982 Southeast Alaska troll salmon fishery, preliminary results of the National Marine Fisheries Service's king crab trawl survey in the Bering Sea and also discuss progress on the study of halibut limited entry. The Council will also elect officers for the 1982-83 term and may also consider applications from ships of foreign nations and various contracts.

The agendas for the SSC and AP will be identical to that of the Council.

Further Information: North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510; Telephone (907) 274-4563.

Dated: August 19, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-23160 Filed 8-23-82; 8:45 am]
BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meeting With a Partially Closed Session and Public Meetings of Its Scientific and Statistical Committee and Its Groundfish and Salmon Subpanels

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meetings with a partially closed session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agendas of the forthcoming meetings of the Pacific Fishery Management Council, its Scientific and Statistical Committee (SSC), and its Groundfish and Salmon Subpanels. The Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265) and the Council has established a SSC and Groundfish and Salmon Subpanels to assist the Council in carrying out its responsibilities.

DATES: September 28-30, 1982 (This public meeting with a partially closed session was originally approved and scheduled for October 6-7, 1982).

ADDRESS: The meetings will take place at the Cosmopolitan Hotel, 1030 N.E. Union Avenue, Portland, Oregon.

FOR FURTHER INFORMATION: Pacific Fishery Management Council, 526 SW. Mill Street, Second Floor, Portland, Oregon 97201; Telephone (503) 221-6352.

SUPPLEMENTARY INFORMATION:

Agendas

Scoping Session on the 1983 Salmon Amendment (open session) in the Capri/Del Rio Room, September 29, 1982 (1 p.m. to 3 p.m.), as required by the National Environmental Policy Act.

Council (open meetings)—September 29–30, 1982 (3 p.m. to 6 p.m. on September 29; 8 a.m. to 5 p.m. on September 30)—discuss natural salmon management policy, the framework salmon plan amendment; discuss the timing of the 1983 salmon plan amendment, widow rockfish fishery management; discuss the first draft of the anchovy plan, amendment 4. Oral comments or questions by the public will be invited beginning at 11 a.m., on September 30.

Council (closed session)—September 29, 1982 (10 a.m. to noon)—discuss the status of maritime boundary and resource negotiations between the U.S. and Canada. Only those Council members and selected staff having security clearances will be allowed to attend this closed session. The Council will also discuss the selection of a Council chairperson and vice chairperson.

Scientific and Statistical Committee (open meetings)—September 28–29, 1982, in the Athens Room (10 a.m. to 5 p.m., on September 28; 8 a.m. to 5 p.m., on September 29)—evaluate and develop recommendations on the 1983 salmon plan amendment, the framework salmon plan amendment; discuss widow rockfish and anchovy management issues and conduct a joint meeting with the Salmon Subpanel (in the Capri Room) to discuss the timing of the 1983 salmon plan amendment on September 29 (8 a.m. to 10 a.m.). Oral comments or questions by the public will be invited beginning at 3:30 p.m., on September 29.

Salmon Subpanel (open meeting)—September 29, 1982, in the Bombay Room (10 a.m. to 5 p.m.)—comment on the framework salmon plan amendment; consider the 1983 salmon plan amendment; conduct a joint meeting with the SSC (in the Capri Room), to discuss the timing of the 1983 salmon plan amendment (8 a.m to 10 a.m.).

Groundfish Subpanel (open meeting)—September 29, 1982, in the Hall of Fame Room—(10 a.m. to 5 p.m.)—discuss widow rockfish fishery management and groundfish management.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on July 23, 1982, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agency items covered in the closed session are exempt from the provisions of the Act relating to open meetings and public participation therein, because the session will be concerned with matters that are within the purview of:

(1) 5 U.S.C. 552b(c)(1)—as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such executive order and,

(2) 5 U.S.C. 552b(c)(6)—as information of a personnal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, Department of Commerce.) All other portions of the Council's meeting will be open to the public.

Dated: August 19, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-23161 Filed 8-23-82; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent to Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to EMPET CO., INC., having a place of business at Gaithersburg, Maryland an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Pneumatic Adhesion Tester," U.S. Patent Application Serial No. 272,231 (dated June 11, 1981). Copies of the Patent Application may be obtained from the Office of Government Inventions and Patents NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: August 19, 1982.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

[FR Doc. 82-23177 Filed 8-23-82; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Visa Requirement for Cotton, Wool, and Man-Made Fiber Apparel Exported From the Republic of Maldives

August 18, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing a new export visa requirement for cotton, wool, and man-made fiber apparel from Maldives, which calls for inclusion of the correct category and quantity on the visa.

SUMMARY: The Governments of the United States and the Republic of Maldives have exchanged letters dated December 29, 1981 and March 22, 1982 establishing an export visa requirement for cotton, wool, and man-made fiber apparel products in Categories 330–359, 431–459, and 630–659, produced or manufactured in Maldives and exported to the United States.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654))

EFFECTIVE DATE: Effective on October 1, 1982, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool, or man-made fiber apparel products, produced or manufactured in Maldives and exported on and after that date for which the Government of the Republic of Maldives has not issued an appropriate export visa will be prohibited. Apparel products exported from Maldives before October, 1, 1982 will not be denied entry for lack of a visa.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: The export visa will be a circular stamp in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice when such form is used) and will be signed by an authorized official of the Government of the Republic of Maldives. In addition, each visa will include its number, the date and shall state the correct categories and quantities in the shipment in the applicable category units. If the quantity indicated on the export visa is more than the actual quantity of the shipment, entry will be permitted. A copy of the export visa is published as an enclosure to the letter set forth below. The officials authorized by the Government of the Republic of Maldives to issue export visas are the following:

Ibrahim Ahmed
Ahmed Firaq
Mohamed Manik
Mohamed Rasheed
Mohamed Zahir

Interested parties are advised to take all necessary steps to ensure that cotton, wool, and man-made fiber apparel products, produced or manufactured in Maldives, which are to be entered into the United States for consumption, or withdrawn from warehouse for consumption, will meet the stated visa requirements.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

August 18, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: In accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on October 1, 1982 and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton, wool, and man-made fiber apparel products in Category 330–359, 431–459, and 630–659, produced or manufactured in Maldives and exported on and after that date, for which the Government of the Republic of Maldives has not issued an appropriate export visa, fully described below. Merchandise exported before the effective date of this directive shall not be denied entry for consumption, or withdrawal from warehouse for consumption, in the United States.

The export visa will be a circular stamp in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice when that form is used) and will be signed by an anuthorized official of the Government of the Republic of Maldives. It will also include its number, the date and show the correct categories and quantities in the shipment in the applicable category units; otherwise, entry will be denied. However, if the quantity indicated on the visa is more than that of the shipment, entry shall be permitted. A facsimile of the visa stamp is enclosed.

Merchandise imported for the personal use of the importer and not for resale does not require a visa, regardless of value.

You are directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton, wool, and/or man-made fiber apparel products, produced or manufactured in Maldives, notwithstanding the fact that the designated shipment or shipments do not fulfill the aforementioned visa requirements, whenever requested to do so in writing by the Committee for the Implementation of Textile Agreements.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654).

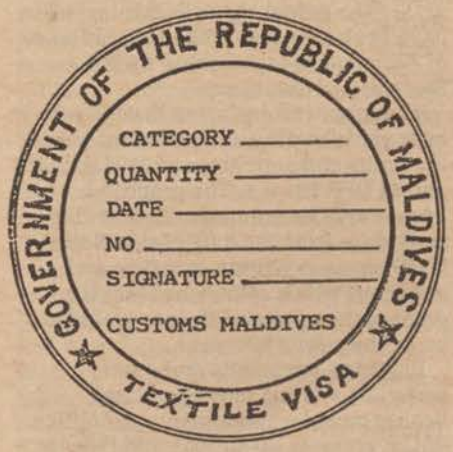
In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Maldives and with respect to imports of cotton, wool, and man-made fiber apparel from Maldives have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.



[FR Doc. 82-23142 Filed 8-23-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Army, DoD

ACTION: Proposed deletion of and amendments to notices for systems of records.

SUMMARY: The Department of the Army proposes to delete one and amend three notices for systems of records subject to the Privacy Act of 1974. Following identification of changes, the amended notices are printed in their entirety.

DATE: Action shall be effective September 23, 1982 unless public comments are received which result in a contrary determination.

ADDRESS: Comments may be submitted to Headquarters, Department of the Army, ATTN: DAAG–AMR–R, Room 1146, Hoffman Building 1, 2461 Eisenhower Avenue, Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Department of the Army at the above address, telephone: 703/325–6163.

SUPPLEMENTARY INFORMATION: The Department of the Army's inventory of system notices as required by the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. Law 93–579; 44 Stat. 1896 *et seq.*) appears in the following editions of the **Federal Register** at:

FR Doc. 82–674 (47 FR 2544), January 18, 1982
FR Doc. 82–5277 (47 FR 8610), March 1, 1982
FR Doc. 82–11002 (47 FR 17324), April 22, 1982
FR Doc. 82–12993 (47 FR 20654), May 13, 1982
FR Doc. 82–16040 (47 FR 25780), June 15, 1982
FR Doc. 82–16228 (47 FR 25987), June 16, 1982
FR Doc. 82–20786 (47 FR 33314), August 2, 1982

System notices being amended do not require a report of an altered system pursuant to 5 U.S.C. 522a(o).

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

August 19, 1982.

DELETION

AO102.04aDAPE

System name:

Supervisor/Manager Employee Records (46 FR 6461), January 21, 1981.

Reason: Records are covered by Office of Personnel Management system notice OPM/GOVT–1, General Personnel Records (47 FR 16489, April 16, 1982).

AMENDMENTS

AAFES0702.22

System name:

Check-Cashing Privilege Suspense Files (44 FR 73747), December 17, 1979.

Changes:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Add the following: "In overseas areas printouts or access to mechanical devices are provided to military banking facilities. These facilities are branches of U.S. based financial institutions which are under contract to the Department of Defense to provide banking services to U.S. military and affiliated civilian personnel overseas. Any financial losses sustained by these activities in support of the Department of Defense program are underwritten by DOD using appropriated funds. The financial institutions use the check-cashing information only to determine whether to cash checks or similar negotiable instruments for individuals, not to award or deny other banking privileges."

AO508.16aDAPE

System name:

Absentee Case Files (44 FR 73833), December 17, 1979.

Changes:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Add the following: "Information may be disclosed to the Veterans Administration for assistance in determining whereabouts of Army deserters through the Veterans and Beneficiaries Identification and Records Locator Subsystem."

A1509.11DAEN

System name:

Integrated Facilities System (IFS) (44 FR 74008), December 17, 1979.

Changes:

System location:

After the first sentence, add the following: "Information is stored on computer media at five Regional Data Centers. Access to and processing of the information is through distributed data processing centers located at installations."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Safeguards:

Delete entry; substitute therefor: "Regional Data Centers are contractor-operated under an Army approved security program. Potential contractor personnel are security screened; contractor employees receive a security briefing and participate in an ongoing security education program under the Regional Data Center Security Officer.

"Regional Data Centers are connected through a communications network to 44 distributed data processing centers at Army installations. Technical, physical, and administrative safeguards required by Army Regulation 380–380 are met at installations' data processing centers and information is secured in locked rooms with limited/controlled access. Data are available only to Director of Engineering and Housing and those of his staff responsible for system operation and maintenance. Terminals not in the data processing center are under the supervision of a terminal area security officer at each remote location protecting them from unauthorized use. Access to information in the system is also controlled by a system of assigned passwords for authorized users of terminals."

AAFES0702.22

SYSTEM NAME:

Check-Cashing Privilege Suspense Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, Dallas, TX 75222; HQ AAFES, Alaska; HQ AAFES, Europe; HQ AAFES, Pacific; (both Exhange Regions and Main stores).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Exchange customers, military, dependents, retirees, and exchange employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Customer name and Social Security Number, amounts of checks not paid by bank, and category of customer (i.e., military, dependent, retiree, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Printout of listing distributed to applicable locations where mechanical device is not available.

Where used, mechanical device will indicate eligiblity to cash a check by displaying a colored light. Printout or mechanical device used to control customer eligiblity to cash checks. In overseas areas printouts or access to mechanical devices are provided to military banking facilities. These facilities are branches of U.S. based financial institutions which are under contract to the Department of Defense to provide banking services to U.S. military and affiliated civilian personnel overseas. Any financial losses sustained by these activites in support of the Department of Defense program are underwritten by DoD using appropriated funds. The financial institutions use the check-cashing information only to determine whether to cash checks or similar negotiable instruments for individuals, not to award or deny other banking privileges.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tapes, disks, and printouts.

RETRIEVABILITY:

By SSN.

SAFEGUARDS:

All information is stored in locked rooms within secured buildings and is accessed only by designated personnel having official need therefore—primarily by individuals authorized to cash checks.

RETENTION AND DISPOSAL:

Information is retained until no longer needed, at which time it is destroyed by shredding or erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, HQ Army and Air Force Exchange Service, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not this system contains information concerning them should contact either the local Exhange where check was cashed (or refused) or HQ Army and Air Force Exchange Service, Dallas, TX 75222, furnishing full name, SSN or other acceptable identifying information that will facilitate locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records concerning themselves should write to the System Manager furnishing the information in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial deteminations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Cashed checks not honored by the bank.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO508.16aDAPE

SYSTEM NAME:

Absentee Case Files.

SYSTEM LOCATION:

Primary: US Army Deserter Information Point, US Army Enlisted Records and Evaluation Center, Ft. Benjamin Harrison, IN 46249.

A copy of all or portions of this system is maintained at the installation initiating the report of absence and at respective law enforcement agencies. Official mailing addresses are in the Appendix to the Army's inventory of system notices (44 FR 74011, December 17, 1979), except that mailing addresses for law enforcement agencies may be obtained from the US Army Deserter Information Point.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any active Army member absent without proper authority and administratively designated as a deserter in accordance with Army Regulation 630–10.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports and records which document the individual's absence; notice of unauthorized absence from the US Army which constitutes the warrant for arrest; notice of return to to military control or continued absence in hands of civil authorities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by the Department of the Army to enter data in the FBI National Crime Information Center "wanted person" file; to insure apprehension actions are initiated/terminated promptly and accurately; and to serve management purposes through examining causes of absenteeism and developing programs to deter unauthorized absences.

Furnished to local, State, Federal, international, or foreign law enforcement authorities in efforts to apprehend, detain, and return offenders to military custody. In overseas areas, information may be disclosed to foreign governmental and civil authorities as required by local customs, law, treaties, and agreements with allied forces and foreign governments.

Information may be disclosed to the Veterans Administration for assistance in determining whereabouts of Army deserters through the Veterans and Beneficiaries Identification and records Locator Subsystem.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents and the record copy of the Arrest Warrant are maintained in the Official Military Personnel File; verified desertion data are stored on the Deserter Verification Information System at the U.S. Army Deserter Information Point.

RETRIEVABILITY:

Manually, by name; automated records are retrieved by name, plus any numeric identifier such as date of birth, Social Security Account Number, or Army serial number.

SAFEGUARDS:

Access is limited to authorized individuals having a need-to-know. Records are stored in facilities manned 24 hours, 7 days a week. Additional controls which meet the administrative, physical, and technical safeguard requirements of Army Regulation 380–380 are in effect.

RETENTION AND DISPOSAL:

Automated records are erased when individual returns to military custody, is discharged, or dies. Paper or microform records remain a permanent part of the individual's Official Military Personnel File.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not this system contains information about them should contact the US Army Deserter Information Point, US Army Enlisted Records Center, Ft. Benjamin Harrison, IN., furnishing full name, SSAN and/or Army serial number, address, telephone number, and signature.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information concerning themselves from this system of records should provide information in "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Unit Commander, First Sergeants; subjects; witnesses; Military Police; US. Army Criminal Investigation Command personnel and special agents; informants; DOD, Federal, State, and local investigative and law enforcement agencies, departments, or agencies or foreign governments, and any other individual or organization which may furnish pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of Title 5 U.S.C., Section 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4(G), (e)(4)(H), (e)(8), (f), and (g). (See 32 CFR 505.9 (Army Regulation 340–21)).

A1509.11DAEN

SYSTEM NAME:

Integrated Facilities System (IFS)

SYSTEM LOCATION:

Decentralized at local installation level of the Department of the Army. Information is stored on computer media at five Regional Data Centers. Access to and processing of the information is through distributed data processing centers located at installations. Addresses are in the appendix to the Department of the Army system notices (44 FR 74011, December 17, 1979).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel employed in the Directorate of Facilities Engineering at Department of Army installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Employee Master File contains employee name, Social Security Number (SSN), shop code, normal duty category (direct/indirect labor, direct/indirect supervision), hire category code (full-time permanent/temporary general schedule, full-time permanent wage board, etc.), base hourly rate.

Adjustment Security File contains the name, grade/rank, and SSN of key

management personnel at the Army installation (i.e., installation commander, Director/Deputy of Facilities Engineering, Chief, Resource Management Division) authorized to input economic indicator adjustment factors to the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C., section 18c.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Employee Master File is the source of individual employee labor rates used in computations which support facilities engineering cost accounting. Monthly, there is a formatted dump of this file which is used by administrative personnel within the Directorate of Engineering and Housing for file maintenance. The Adjustment Security File is used to verify and provide positive control of the input of economic indicator adjustment factors which affect all cost estimate information in the system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc, tape, and computer paper printouts.

RETRIEVABILITY:

By name, SSN, or ADP parameter.

SAFEGUARDS:

Regional Data Centers are contractor-operated under an Army approved security program. Potential contractor personnel are security screened; contractor employees receive a security briefing and participate in an ongoing security education program under the Regional Data Security Officer.

Regional Data Centers are connected through a communications network to 44 distributed data processing centers at Army installations. Technical, physical, and administrative safeguards required by Army Regulation 380–380 are met at installations' data processing centers and information is secured in locked rooms with limited/controlled access. Data are available only to Director of Engineering and Housing and those of his staff responsible for system operation and maintenance. Terminals not in the data processing center are under the supervision of a terminal area security officer at each remote location protecting them from unauthorized use. Access to information in the system is also controlled by a system of assigned passwords for authorized users of terminals.

RETENTION AND DISPOSAL:

Data retained until updated or service of individual is terminated, with earlier information erased. File dump printouts are retained 30 days; upon update, previous information is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Engineers, Headquarters, Department of the Army, Pulasky Building, Washington, D.C. 20314.

NOTIFICATION PROCEDURES:

Individuals desiring to know whether or not this system of records contains information on them should inquire of the installation Director of Engineering and Housing where employed, furnishing full name, SSN, period of time involved, and signature.

RECORD ACCESS PROCEDURES:

To obtain information in this system, individuals should write to the Army installation believed to have the record, furnishing the information identified in "Notification procedures."

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Enlistment, commission, or appointment documents which reflect base pay rate data for individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-23069 Filed 8-23-82; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

National Advisory Board on International Education Programs

Meeting

AGENCY: National Advisory Board on International Education Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule of a forthcoming meeting of the National Advisory Board on International Education Programs. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is also intended to notify the general public of their opportunity to attend.

DATE: September 16 and 17, 1982.

ADDRESS: The Lewis Room of the Capitol Holiday Inn, 550 C Street, S.W., Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: Allen Cissell or Dee Sussman, International Education Programs Office, ROB–3, Room 3923, 7th & D Streets, S.W., Washington, D.C. 20202 (202) 245–2356 or 7804.

SUPPLEMENTARY INFORMATION: The National Advisory Board on International Education Programs is established under Section 621 of the Higher Education Act of 1965 as amended by the Education Amendments of 1980 (Pub. L. 96–374; 20 U.S.C. 1131). The Committee is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90–247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix I) which set forth the standards for the formation and use of advisory committees. The Board is established to advise the Secretary of Education.

The Board will:

(1) Advise the Secretary on geographic areas of special need or concern to the United States;

(2) Advise the Secretary regarding specific foreign languages to be designated as having a critical importance for the Nation;

(3) Recommend inovative approaches which may help to fulfill the purposes of Title VI of the Higher Education Act of 1965;

(4) Inform the Secretary of activities which are duplicative of programs operated under other provisions of Federal law;

(5) Recommend changes which should be made in the operation of programs authorized under Title VI in order to ensure that the attention of scholars is attracted to international problems of the United States; and

(6) Advise the Secretary regarding the administrative and staffing requirements of the international education programs in the Department.

This meeting of the National Advisory Board on International Education Programs is open to the public. The proposed agenda includes a formal swearing-in and orientation for Board members, a description of U.S. ED Title VI programs, and a program presentation regarding critical needs in foreign languages and international studies. The meeting will be held from 9:00 A.M. to 4:30 P.M. on the 16th of September and will continue from 9:00 A.M. to 4:30 P.M. on the 17th of September.

Records are kept of the Board's proceedings and are available for public inspection at the office of the National Advisory Board on International Education Programs from 8:00 A.M. to 4:30 P.M., ROB-3, 7th & D Streets, S.W., Room 3923, Washington, D.C. 20202.

Signed at Washington, D.C. on August 13, 1982.

Thomas P. Melady,

Assistant Secretary for Postsecondary Education.

[FR Doc. 82-23019 Filed 8-23-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Assistant Secretary for Conservation and Renewable Energy

Approval of a Designated Energy Impact Area Under Section 601 of the Powerplant and Industrial Fuel Use Act

AGENCY: Assistant Secretary for Consevation and Renewable Energy, DOE.

ACTION: Notice.

SUMMARY: Title VI, Section 601 of the Powerplant and Industrial Fuel Use Act (FUA) (Pub. L. 95-620) provides, *inter alia*, for the granting of financial assistance to any area designated by a Governor of a State as impacted by increased coal or uranium production development activities. Before the financial assistance may be provided, however, the Secretary of Energy (the Secretary), after consultation with the Secretary of Agriculture, must approve such designation. In accordance with Section 601's requirements and the Department of Agriculture's implementing regulations (7 CFR Part 1948), the Secretary shall approve a Governor's designation of an energy impact area only if:

A. The Governor provides the Secretary, in writing, with the data and information on which such designation was made, together with any additional information which the Secretary may require for approval; and

B. The Secretary determines that the following criteria are met:

(1) During the most recent calendar year, the eligible employment in coal or uranium production development activities within the area has increased by eight percent or more from the preceding year, or such employment will increase by eight percent or more per year, during each of the next three calendar years;

(2) This increase has required or will require substantial increases in housing or public facilities and services, or both, in the area; and

(3) Available State and local financial and other resources are inadequate to meet the public need for housing or public facilities and services at present or in the next three years.

Pursuant to 7 CFR 1948.70(e), DOE hereby gives notice that it has approved the following areas as energy impact areas:

Effective October 8, 1981: Texas—Brazos County
Effective July 23, 1982: Louisiana—Bienville Parish
Effective May 28, 1982: Arizona—Arizona portion of the Navajo Nation
Effective May 28, 1982: Arkansas—Pope County

A designated and approved area is eligible for planning grants and other assistance through the Farmers Home Administration, Department of Agriculture, provided that the further requirements of Section 601 7 CFR 1948 are met.

FOR FURTHER INFORMATION CONTACT: Wanda Porterfield, Program Manager, Office of Building Energy Research and Development, Mail Stop CE-116, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202/252-9418.

Issued in Washington, D.C., August 12, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 82-23070 Filed 8-23-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning Peaceful Uses of Nuclear Energy, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the following retransfer: RTD/ID(EU)-1, from the Federal Republic of Germany to Indonesia, 88.15 kilograms of natural uranium, and 22.039 kilograms of uranium enriched to an average of 3.2% in U-235, for use in research on UO_2 pellet production.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than September 8, 1982.

For the Department of Energy.

Dated: August 19, 1982.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82-23065 Filed 8-23-82; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for the following retransfers:

RTD/SD(EU)-41, from the Federal Republic of Germany to Switzerland, 215 grams of uranium, enriched to 93 percent in U-235, for irradiation in the SAPHIR reactor for production of molybdenum-99, and subsequent return to the Federal Republic of Germany.

RTD/EU(SD)-42, from Switzerland to the Federal Republic of Germany, 215 grams of uranium, enriched to approximately 93% in U-235 in the form of irradiated fuel plates, for recovery of molybdenum-99.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than September 8, 1982.

For the Department of Energy.

Dated: August 19, 1982.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82-23066 Filed 8-23-82; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the return of 20 kilograms of highly enriched research reactor fuel from the Federal Republic of Germany (FRJ reactors) for reprocessing and storage at the DOE Savannah River facility.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. This arrangement for the return of U.S. origin highly enriched uranium (HEU) is consistant with U.S. non-proliferation policy in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than September 8, 1982.

For the Department of Energy.

Dated: August 19, 1982.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82-23067 Filed 8-23-82; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be entered into under the above mentioned agreement is a Project and Supply Agreement and related documents concerning the proposed supply to the Government of Yugoslavia through the IAEA of approximately 5.098 kilograms of uranium enriched to 19.9% in U-235 for use as fuel in the TRIGA research reactor at the Jozef Stefan Institute.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than September 8, 1982.

For the Department of Energy.

Dated: August 19, 1982.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 82-23068 Filed 8-23-82; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Amcole Energy Corporation; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Amcole Energy Corporation (Amcole) of Dallas, Texas. This Proposed Remedial Order charges Amcole with pricing violations in the amount of $207,221.10 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR 212, Subpart D during the same period March 1, 1975 through October 31, 1977.

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. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th & Pennsylvania Ave. NW., Room 3426, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 13th day of August, 1982.

Ben L. Lemons,

Director, Dallas ERA Office.

[FR Doc. 82-23064 Filed 8-23-82; 8:45 am]

BILLING CODE 6450-01-M

Apco Oil Corp.; Notice of Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with The Apco Liquidating Trust, as successor to the Apco Oil Corporation and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by: September 23, 1982.

ADDRESS: Send comments to: John W. Sturges, Director, Tulsa Office, Economic Regulatory Administration, U.S. Department of Energy, 440 South Houston, Room 306, Tulsa, Oklahoma 74127.

FOR FURTHER INFORMATION CONTACT: John W. Sturges, Director, Tulsa Office, Economic Regulatory Administration, U.S. Department of Energy, 440 South Houston, Room 306, Tulsa, Oklahoma 74127, (918) 581-7781. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On August 12, 1982, the ERA executed a proposed Consent Order with The Apco Liquidating Trust, as successor to the Apco Oil Corporation of Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

The Apco Oil Corporation, with home offices located in Houston, Texas, was engaged in the refining and retailing of petroleum products and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211 and 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Price and Allocation Regulations, 10 CFR Parts 205, 210, 211, 212 and 213 in connection with Apco's transactions involving covered products and the Domestic Crude Oil Entitlements Program during the period January 1, 1973 through January 27, 1981 ("the period covered by this Consent Order"), the ERA and the Apco Liquidating Trust, as successor to the Apco Oil

Corporation entered into a Consent Order, the significant terms of which are as follows:

A. During the period covered by this Consent Order, Apco refined crude oil and unfinished oils into gasoline and other covered products and sold these finished products to various customers. DOE has alleged that during the period covered by this Consent Order that Apco filed incorrect reports required by DOE's regulations for refiners overstating increased product and nonproduct costs and under reporting recoveries on certain covered products.

B. The execution of this Consent Order constitutes neither an admission by Apco nor a finding by DOE of any violation by the company of any statute or regulation.

C. The provisions of 10 CFR 205.199J, including those regarding the publication of this Notice, are applicable to the Consent Order.

II. Refunds

Under this Consent Order, the Apco Liquidating Trust as successor to the Apco Oil Corporation will remit to DOE within 30 days following the effective date of this Consent Order the sum of one million dollars which includes interest to the effective date of this Consent Order. The remittance shall be by certified or cashier's check(s) in the proper amount made payable to the United States Department of Energy. The DOE will dispose of such funds in accordance with 10 CFR Part 205, Subpart V and the terms of this Consent Order. As a condition of recovering any distribution of funds, the firm to receive such funds shall execute a binding legal document waiving its right to participate in any civil proceeding seeking a recovery of alleged price overcharges during the period covered by this Consent Order or contesting in any other manner Apco's compliance with the Mandatory Petroleum Price and Allocation Regulations during the Consent Order period. If payment of the sum provided in the Consent Order has not been made within 30 days of the effective date of this Consent Order, Apco will pay installment interest on the unpaid balance from the date due until paid at the lesser of 16.02% per annum, compounded quarterly, or at the average prime rate for that calendar quarter and for each subsequent calendar quarter. Compliance by Apco with the terms and conditions of this Consent Order will be deemed to constitute full civil compliance by Apco with all statutes and regulations administered by DOE during the period covered by this Consent Order

III. Submission of Written Comments

Interested persons are invited to submit writen comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on Apco Oil Corporation Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, on September 23, 1982. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 C.F.R. 205.9(f).

Issued in Tulsa, Oklahoma on the 12th day of August, 1982.

John W. Sturges,

Director, Tulsa Office, Economic Regulatory Administration.

[FR Doc. 82-23062 Filed 8-23-82; 8:45 am]

BILLING CODE 6450-01-M

Carter Foundation Production Co.; Proposed Consent Order

AGENCY: Economic Regulatory Administration DOE.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administation (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Carter Foundation Production Company and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by: September 23, 1982.

ADDRESS: Send comments to: James O. Neet, Chief Counsel, Dallas Office, Economic Regulatory Administration, 1341 W. Mockingbird Lane, Room 201 W, Dallas, Texas 75247.

FOR FURTHER INFORMATION CONTACT: James O. Neet, Chief Counsel, Dallas Office, Economic Regulatory Administration, 1341 W. Mockingbird Lane, Room 201W,Dallas, Texas 75247, (214) 767-7536. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On July 29, 1982, the ERA executed a proposed Consent Order with Carter Foundation Production Company of Fort Worth, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Carter Foundation Production Company, with its home office located in Fort Worth, Texas, produced and sold crude oil, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, 212, in connection with Carter's transactions involving crude oil during the period August 19, 1973 through January 27, 1981 ("the period covered by this Consent Order"), the ERA and Carter entered into a Consent Order, the significant terms of which are as follows:

A. The ERA conducted an adult of Carter to determine Carter's compliance with the crude oil pricing regulations of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subpart D. This Consent Order is intended by the signatories to settle the civil issues between the ERA and Carter relating to Carter's compliance with these regulations during the period covered by this Consent Order.

B. ERA and Carter disagree in several respects concerning the proper application of such regulations, and requirements to Carter's activities during the settlement period. ERA and Carter each believe that their respective positions on the legal issues underlying such disagreements are meritorious. Neither Carter nor ERA disavows any position it has taken with respect to such legal issues.

C. Notwithstanding the above, Carter undertakes to enter into this Consent Order to avoid the expense of protracted, complex litigation and further disruption of its orderly businesss functions. Execution of the Consent Order constitutes neither an admission by Carter nor a finding by ERA of any violation by Carter of any statute or regulations.

II. Refunds

Disposition of Refunds

Under this Consent Order, Carter will remit the sum of $700,000.00 including interest to DOE. This payment is to be

made in installment or partial payments beginning no later than thirty (30) days after the effective date of the Consent Order and full and complete payment must be made on or before March 1, 1983. These funds will be deposited in the U.S. Treasury as miscellaneous receipts. Upon full satisfaction of the terms and conditions of this Consent Order by Carter, the DOE releases Carter from any civil claims that the DOE may have arising out of the specified transactions during the period covered by this Consent Order.

The foregoing provisions for payment of the refund amount were concurred in after ERA attempted to determine and identify all injured parties. These attempts were unsuccessful due to the nature of the business transactions in which Carter was engaged during the period covered by this Consent Order. Carter's activities were of such a nature so as to make it impossible to identify specific parties who or which may have been injured.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "comments on the Carter Foundation Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, on 30 days after the date of publication of this notice. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the proceedings in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 6th day of August, 1982.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 82-23061 Filed 8-23-82; 8:45 am]

BILLING CODE 6450-01-M

John L. Cox; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with John L. Cox (Cox) as a final order of the Department.

EFFECTIVE DATE: August 24, 1982.

FOR FURTHER INFORMATION CONTACT: James O. Neet, Jr., Chief Counsel, Dallas Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird, Room 201W, Dallas, Texas 75247, 214/767-7536.

SUPPLEMENTARY INFORMATION: On June 25, 1982, 47 Fed. Reg. 27599, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Cox on June 14, 1982 which would not become effective sooner than 30 days after publication of that notice. The Consent Order with Cox, a producer of crude oil with an office in Midland, Texas subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212, resolves potential civil liability of Cox arising out of these regulations during the period August 19, 1973 through January 27, 1981. Notwithstanding the fact that both Cox and DOE disagree concerning the proper application of such regulations and that neither disavows any position it has taken with regard to such issues, Cox has agreed to this Consent Order to avoid protracted, expensive litigation. By the terms of this Consent Order, Cox will remit $1,400,000 to the DOE within thirty (30) days after the effective date for deposit in the U.S. Treasury as miscellaneous receipts. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

Six comments were received. All six comments objected to what they perceived to be payment of the funds from Cox into the U.S. Treasury. One comment suggested that all payments by Cox should be distributed to what were described as parties injured by the alleged overcharges, *i.e.*, first purchasers of crude oil from Cox. Five other comments suggested that the proceeds, after payment to identifiable injured customers, should be distributed to the various states in proportion to the amounts of crude oil sold to ultimate consumers in each state. The problems posed by the refining of the crude oil into various products before it reached ultimate consumers were given little consideration. Two of these comments also suggested guidelines to govern the use of such funds received by each state.

The primary goal of DOE enforcement activities in this sphere is to refund overcharges resulting from first sales of crude oil to those parties who actually suffered harm from them. Because of the ability of refiners which purchased crude oil from Cox at allegedly improper prices to bank, allocate and pass through those costs to ultimate consumers under the refiner price regulations, it is virtually impossible to identify in what time period, to what product and to which purchasers the effects of crude oil violations were channelled. This impossibility of locating injured parties and ascertaining the extent of their injuries, led DOE to the conclusion that depositing the sum paid by Cox in the U.S. Treasury is an appropriate remedy.

Having considered all the comments submitted, DOE has determined that the proposed Consent Order with Cox should be made final in its present form. The proposed Consent Order, therefore, was made final and effective the date of publication of this notice.

Issued in Dallas, Texas on the 12th day of August, 1982.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 82-23063 Filed 8-24-82; 8:45 am]

BILLING CODE 6450-01-M

Inexco Oil Co.; Correction on Action Taken on Consent Order; Correction

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order; correction.

SUMMARY: This document corrects the Notice of Action Taken on the Consent Order that appeared at page 31589 in the **Federal Register** of Wednesday, July 21, 1982 [47 FR 31599]. This action is necessary to correct dates and improper information in the Notice of Action Taken.

EFFECTIVE DATE: July 21, 1982.

FOR FURTHER INFORMATION CONTACT: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466; telephone number (816) 374-2092.

The following corrections are made in the Notice of Action Taken on Consent Order appearing on page 31599 in the issue of July 21, 1982:

1. On page 31599 in column two, "EFFECTIVE DATE: June 1, 1982" is corrected to read "EFFECTIVE DATE: July 21, 1982.".

2. On page 31599, in the middle of column two, the sentence reading, "The payments are to be made to the U.S. Treasury to be held in an escrow account, and the ERA will determine ultimate distribution of the funds." is corrected to read, "The payments are to be made to DOE for deposit in the U.S. Treasury as miscellaneous receipts."

3. On page 31599, the last two paragraphs in column two are removed and corrected to read as follows:

"Four comments were received. Each proposed an alternative method of distributing the funds to be paid by Inexco under the terms of the Proposed Consent Order. Each comment suggested that the funds be distributed to the States for redistribution. The provision for payment of the refund amount to DOE for deposit in the U.S. Treasury was decided upon because DOE determined that it could not identify the parties, if any, injured by Inexco's alleged violations. Inexco sold the NGL's, NGLP's, and condensate that are covered by this Consent Order to refiners and resellers. Some of the NGL's, NGLP's and condensate Inexco sold were used as refinery blendstock while the remainder was sold as specific products, such as propane or butane. Because the sales were to refiners and resellers that were able to pass on the alleged overcharges to subsequent purchasers, we were unable to identify specific parties, if any, ultimately injured. The inability to identify injured parties is compounded by DOE's inability to determine on the basis of its audit how the alleged overcharges were apportioned between those products that were used as refinery blendstock and those that were not.

In this case ERA has determined that deposit in the U.S. Treasury is an appropriate remedy under these circumstances. Therefore, the Proposed Consent Order was made final and effective on July 21, 1982 without modification."

Issued in Kansas City, Missouri on the 12th day of August, 1982.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 82-23060 Filed 8-23-82; 8:45 am]

BILLING CODE 6450-01-M

Natural Gas Companies; Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 17, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-A E C OIL & GAS INC				RECEIVED:	07/21/82	JA: TX			
8244295	F 7B 052799	4242932997		102-4		CHALKER 77 #1 RRC ID #699439	CHALKER	100.0	WARREN PETROLEUM
-ACOCK ENGINEERING & OPERATING CO				RECEIVED:	07/21/82	JA: TX			
8244193	F-02-049135	4239131460		102-4	103	CREWS #1	CREWS (FRIO) - PROPOS	146.0	UNITED TEXAS TRAN
-AKERS AND FULTZ INC				RECEIVED:	07/21/82	JA: TX			
8244373	F-09-053715	4223734099		103		W J DURHAM A-2	JUPITER (CONGLOMERATE	78.0	CITIES SERVICE GA
-AMOCO PRODUCTION CO				RECEIVED:	07/21/82	JA: TX			
8244134	F-10-017447	4229500000		108-ER		BORTH GAS UNIT #1-U	MAMMOTH CREEK	21.0	NORTHERN NATURAL
8244279	F-06-052545	4220330882		102-4	107-TF	BRUNE-BURNETT "C" GAS UNIT #1	BLOCKER (COTTON VALLE	365.0	UNITED GAS PIPELI
8244310	F-06-053021	4236531384		103	107-TF	CARTHAGE GAS UNIT #9 #5	CARTHAGE (COTTON VALL	300.0	TEJAS GAS CORP
8244280	F-08-052547	4213533491		102-4		DAVID FASKEN "BK" #1	FASKEN SOUTH (STRAWN)	2.9	AMOCO PRODUCTION
8244400	F-7C-053786	4243530456		108		EDWIN S MAYER JR #3	SAWYER (CANYON)	20.5	LONE STAR GAS CO
8244273	F-03-052425	4224531571		103		KEITH & DOWLEN #29	BEAUMONT WEST (NODOSA	2072.8	AMOCO GAS CO
8244203	F-04-049677	4247933023		103	107-TF	KILLAM & HURD AMOCO FEE "D" #1	NORTH UMBRELLA/CLARK/	270.1	DELHI GAS PIPELIN
8244254	F-04-051817	4247933100		102-4	103	KILLAM & HURD AMOCO TRAUTMAN #7	DEL MAR(CLARK)	6679.5	DELHI GAS PIPELIN
8244254	F-04-051817	4247933100		107-TF		KILLAM & HURD AMOCO TRAUTMAN #7	DEL MAR(CLARK)	6679.5	DELHI GAS PIPELIN
8244235	F-02-051062	4217531002		103		L W O'CONNOR EST "A" #70	LIVE OAK LAKE/4130/	35.8	AMOCO GAS CO
8244372	F-8A-053714	4221933463		103		LEVELLAND UNIT #772	LEVELLAND	24.0	AMOCO PRODUCTION
8244370	F-8A-053712	4221933462		103		LEVELLAND UNIT #774	LEVELLAND	6.4	AMOCO PRODUCTION
8244371	F-08-053713	4200332799		103		MIDLAND FARMS "X" #5	FASKEN PENN	1.5	AMOCO PRODUCTION
8244401	F-7C-053788	4210530433		108		T A KINCAID #1	EULEEONE (WOLFCAMP)	19.2	LONE STAR GAS CO
8244399	F-7C-053785	4243531284		108		W H KARNES "C" #2	ALDWELL RANCH (CANYON	4.2	LONE STAR GAS CO
-ANADARKO PRODUCTION COMPANY				RECEIVED:	07/21/82	JA: TX			
8244299	F-10-052851	4221100000		103		ETHEREDGE "A" #2046	HEMPHILL (GRANITE WAS	127.0	PANHANDLE EASTERN
-ANDERSON PETROLEUM INC				RECEIVED:	07/21/82	JA: TX			
8244363	F-7C-053693	4210531046		108		AUSTIN MILLSPAUGH "C" 4-14	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
-ANDOVER OIL COMPANY				RECEIVED:	07/21/82	JA: TX			
8244269	F-04-052340	4240931489		102-4		PERSON #3	MATHIS E (5550) FIELD	100.0	VAL GAS CO
-ARCO OIL AND GAS COMPANY				RECEIVED:	07/21/82	JA: TX			
8244166	F-7C-047355	4223531809		103		ELA C SUGG "49" TR D #1	SPRABERRY (TREND AREA	18.0	J L DAVIS
8244448	F-04-053974	4221500912		108		JUAN DELAVINA #2U	SAN SALVADOR (6200)	21.0	TENNESSEE GAS PIP
-B & M OPERATING CO INC				RECEIVED:	07/21/82	JA: TX			
8244289	F-03-052724	4248131717		103		SORREL #2 ID# NEW	SPANISH CAMPS (FRIO 4	55.0	NATURAL GAS PIPEL
-BANAM CORP				RECEIVED:	07/21/82	JA: TX			
8244190	F-7B-048910	4215100000		102-4		CANFILL #1	SATURDAY EAST (CANYON	36.5	CONOCO INC
-BARBOUR ENERGY CORP				RECEIVED:	07/21/82	JA: TX			
8244135	F-10-028770	4219500000		108-ER		RAFFERTY #1	MORSE (CLEVELAND)	5.0	PANHANDLE EASTERN
-BILL J GRAHAM				RECEIVED:	07/21/82	JA: TX			
8244305	F-08-052956	4237100000		103		CATHIE #1	LEHN APCO (1600)	29.2	EL PASO NATURAL G
8244304	F-08-052951	4237100000		103		SULLIVAN #1	LEHN APCO (1600)	12.8	EL PASO NATURAL G
-BINK INC				RECEIVED:	07/21/82	JA: TX			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8244319	F-10-053179	4217931085		103		ANN #1	PANHANDLE-GRAY	180.0	GETTY OIL CO
-BOB T MILLER				RECEIVED:	07/21/82	JA: TX			
8244357	F-7B-053625	4242900000		103		CRUDGINGTON 099033	WAYLAND S E (ATOKA CO	35.0	WARREN PETROLEUM
-BTA OIL PRODUCERS				RECEIVED:	07/21/82	JA: TX			
8244276	F-8A-052490	4211531678		103		WELCH S E (SPRABERRY) UNIT #1-12	WELCH S E (SPRABERRY)	16.0	PHILLIPS PETROLEU
8244316	F-8A-053162	4211531471		103		WELCH S E (SPRABERRY) UNIT #1-7	WELCH S E (SPRABERRY)	14.0	PHILLIPS PETROLEU
-CASHCO OIL CO				RECEIVED:	07/21/82	JA: TX			
8244145	F-03-042893	4218530199		102-2		J T MCDOUGALD #1	IOLA (GLEN ROSE B)	0.0	LONE STAR GAS CO
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	07/21/82	JA: TX			
8244141	F-05-038185	4204130607		102-2	103	B J FUCHS #1	WHEELOCK (GEORGETOWN)	27.0	FERGUSON CROSSING
8244148	F-06-045587	4236500000		103	107-TF	CARTHAGE GAS UNIT 19 #3	CARTHAGE (COTTON VALL	0.0	TENNESSEE GAS PIP
8244150	F-06-045702	4236500000		103	107-TF	CARTHAGE GAS UNIT 20 #5	CARTHAGE (COTTON VALL	0.0	TENNESSEE GAS PIP
8244362	F-08-053690	4243131122		103		D L GLASS #5 (26354)	CONGER SW (PENN)	187.9	INTERNORTH
8244165	F-03-047080	4205100000		102-2	103	DAVID PITTS #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
8244248	F-08-051595	4243131117		103		T W TERRY #15	CONGER S W (PENN)	0.0	NORTHERN NATURAL
-CHARLES H BENTLEY				RECEIVED:	07/21/82	JA: TX			
8244291	F-09-052769	4250300000		102-4		HALL #1	GRAHAM S E (STRAWN 32	46.0	SUN GAS TRANSMISS
-CHESTER R UPHAM JR				RECEIVED:	07/21/82	JA: TX			
8244178	F-7B-048125	4236300000		102-4		CRAWFORD-DUNAWAY #1	ROCK CASTLE (CONGL 41	0.0	SOUTHWESTERN GAS
-CIRCLE SEVEN PRODUCTION CO				RECEIVED:	07/21/82	JA: TX			
8244234	F-09-050925	4223734139		102-4		MCCONNELL GAS UNIT #2	GORDON (CONGL)	0.0	LONE STAR GAS CO
-CITIES SERVICE COMPANY				RECEIVED:	07/21/82	JA: TX			
8244313	F-08-053109	4238931249		103		MATTHEWS CAMP "A" #3	COLLIE (DELAWARE)	31.0	INTRATEX GAS CO
8244422	F-7C-053884	4210532440		108		UNIVERSITY BY #1	HOWARDS CREEK PENN	17.0	INTRATEX GAS CO
8244421	F-7C-053883	4210532761		108		UNIVERSITY CA #1	HOWARDS CREEK PENN	2.0	INTRATEX GAS CO
8244335	F-8A-053376	4206531977		103		WEST SEMINOLE SAN ANDRES UNIT #1209	SEMINOLE WEST	24.0	CITIES SERVICE CO
8244337	F-8A-053380	4216531837		103		WEST SEMINOLE SAN ANDRES UNIT #321	SEMINOLE WEST	66.0	CITIES SERVICE CO
8244336	F-8A-053379	4216531978		103		WEST SEMINOLE SAN ANDRES UNIT #406	SEMINOLE WEST	17.0	CITIES SERVICE CO
8244334	F-8A-053375	4216531976		103		WEST SEMINOLE SAN ANDRES UNIT 1210	SEMINOLE WEST	56.0	CITIES SERVICE CO
-CLAYTON W WILLIAMS JR				RECEIVED:	07/21/82	JA: TX			
8244199	F-03-049549	4205100000		102-2		JOHN SEE #5	BIG A (TAYLOR)	0.0	VALERO TRANSMISSI
8244217	F-01-050484	4249300000		102-2		MARY ROSE SCHIFFERS #2	SUTIL (AUSTIN)	0.0	VALERO TRANSMISSI
-CLOVER ENERGY CORP				RECEIVED:	07/21/82	JA: TX			
8244255	F-04-051819	4240931554		102-4		TELTSCHIK #1	PORTILLA SE (FRIO 740	16.0	HOUSTON PIPE LINE
-COATES ENERGY TRUST				RECEIVED:	07/21/82	JA: TX			
8244262	F-01-052096	4212732313		102-4		ALBERT A BLAKEWAY #1	BLAKEWAY (DIXON SAND)	25.0	VALERO TRANSMISSI
-COLORADO INTERSTATE GAS CO				RECEIVED:	07/21/82	JA: TX			
8244349	F-10-053573	4237500000		108		BIVINS 12R	PANHANDLE WEST (RED C	0.0	COLORADO INTERSTA
-COMANCHE INVESTMENTS				RECEIVED:	07/21/82	JA: TX			
8244409	F-7B-053820	4213333149		103		BIG MIKE #1	EASTLAND COUNTY REGUL	19.9	LONE STAR GAS CO
-CONOCO INC				RECEIVED:	07/21/82	JA: TX			
8244425	F-04-053891	4242700000		108		FRIO E-3 UNIT #47	RINCON (FRIO E-3)	0.2	TENNESSEE GAS PIP
8244351	F-08-053576	4222732618		103		H R CLAY -E #61 ID #18993	HOWARD-GLASSCOCK/GLOR	4.0	PHILLIPS PETROLEU
8244317	F-08-053168	4222732619		103		H R CLAY "E" #60 ID# 18993	HOWARD-GLASSCOCK	4.0	PHILLIPS PETROLEU
8244284	F-08-052656	4222732646		103		H R CLAY-E-#58 ID #18993	HOWARD-GLASSCOCK (GLO	4.0	PHILLIPS PETROLEU
8244431	F-02-053903	4217500000		108		PETTUS UNIT #4	CABEZA CREEK (SLICK)	15.0	TEXAS EASTERN TRA
8244430	F-04-053902	4213100000		108		ROBERT DRISCOLL #310	CONOCO-DRISCOLL (THIR	15.5	TRANSCONTINENTAL
8244426	F-04-053892	4213100000		108		ROBERT DRISCOLL #380	CONOCO-DRISCOLL (DRIS	0.3	TRANSCONTINENTAL
8244218	F-04-050536	4242731351		103		T B SLICK EST A-529 #155	RINCON (VICKSBURG I)	0.0	TENNESSEE GAS PIP
8244208	F-04-049961	4242731568		102-4	103	T B SLICK EST H-536 #84	RINCON (VICKSBURG 650	300.0	TENNESSEE GAS PIP
-CONVEST ENERGY CORP				RECEIVED:	07/21/82	JA: TX			
8244196	F-05-049340	4228930454		102-4		GLEN ROBB #1	CENTERVILLE (TRAVIS P	0.0	LONE STAR GAS CO
-COPET INC				RECEIVED:	07/21/82	JA: TX			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
8244220	F-7B-050554	4204900000		103		BURNS L TONGATE #1	BROWN COUNTY REGULAR	36.0	LONE STAR GAS CO
8244219	F-7B-050552	4204900000		103		L L WHITE #1	BROWN COUNTY REGULAR	25.0	LONE STAR GAS CO
-CORAL PETROLEUM DEVELOPMENT INC				RECEIVED:		07/21/82 JA: TX			
8244189	F-02-048891	4246931729		102-4		MARY E ATKINSON #1	MARY A (LULING "A" SA	151.0	HOUSTON PIPE LINE
-COTTON PETROLEUM CORPORATION				RECEIVED:		07/21/82 JA: TX			
8244443	F-10-053944	4229531051		103		MILES "A" #2	BRADFORD (TONKAWA)	0.0	PHILLIPS PETROLEU
8244332	F-10-053311	4235731127		103		MURPHY #1	CREST (DES MOINES)	0.0	PHILLIPS PETROLEU
8244444	F-10-053945	4235731141		102-4		SCHOENHALS "A" #1	ELLIS RANCH (HEPLER)	0.0	PHILLIPS PETROLEU
-CROWN CENTRAL PETROLEUM CORP				RECEIVED:		07/21/82 JA: TX			
8244350	F-10-053574	4219500000		108		BUZZARD-COLLARD #1-144	HORIZON FIELD (CLEVEL	16.0	INTERNORTH
8244361	F-10-053687	4219500000		108		JACKSON #1-U	HANSFORD FIELD (UPPER	16.0	PANHANDLE EASTERN
-DANIEL OIL COMPANY				RECEIVED:		07/21/82 JA: TX			
8244143	F-03-041866	4232100000		102-4		GULF COAST WATER COMPANY UNIT #1-R	DUNCAN SLOUGH SOUTH (	0.0	TENNESSEE GAS PIP
-DEPCO INC				RECEIVED:		07/21/82 JA: TX			
8244301	F-8A-052903	4216531463		103		NORA F COLTHARP #3	ROBERTSON	4.0	PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION				RECEIVED:		07/21/82 JA: TX			
8244442	F-10-053943	4229500000		108		C C DUKE "A" #1	BRADFORD NW	1.0	
8244441	F-10-053942	4229500000		108		C C DUKE "A" #2	BRADFORD NW	1.0	
8244437	F-10-053935	4229500000		108		C C DUKE "A" #3	BRADFORD NW	1.0	
8244438	F-10-053936	4229500000		108		C C DUKE "A" #4	BRADFORD NW	1.0	
-DYCO PETROLEUM CORPORATION				RECEIVED:		07/21/82 JA: TX			
8244369	F-8A-053711	4221933280		103		PERKINS ESTATE #2	LEVELLAND (SAN ANDRES	8.0	CABOT PIPELINE CO
-EL PASO NATURAL GAS COMPANY				RECEIVED:		07/21/82 JA: TX			
8244452	F-10-053982	4208726026		108		BETENBOUGH A #4	PANHANDLE EAST	17.4	EL PASO NATURAL G
8244453	F-10-053983	4248326142		108		LAYCOCK B #2	PANHANDLE EAST	19.7	EL PASO NATURAL G
8244297	F-10-052828	4208726153		108		LUTES #6	PANHANDLE - EAST	19.4	EL PASO NATURAL G
8244454	F-10-053984	4208726155		108		LUTES A #1	PANHANDLE EAST	16.2	EL PASO NATURAL G
-ENSOURCE INC				RECEIVED:		07/21/82 JA: TX			
8244161	F-7B-046690	4204931915		102-4	103	C N ANDERSON "D" #1	PALO DAVIS (RANGER)	36.5	ODESSA NATURAL CO
8244311	F-7B-053034	4204931809		102-4	103	CLAWSON "A" #1	PALO DAVIS (RANGER)	0.0	ODESSA NATURAL CO
8244163	F-7B-046693	4204931696		102-4	103	CREATH DAVIS #1	PALO DAVIS (RANGER)	27.4	ODESSA NATURAL CO
8244162	F-7B-046691	4213331115		102-4	103	H WALKER #1	BLIND HOG (RANGER)	17.5	ODESSA NATURAL CO
-EXXON CORPORATION				RECEIVED:		07/21/82 JA: TX			
8244315	F-03-053153	4205131409		102-2		BILLIE EHLERT #2	GIDDINGS (AUSTIN CHAL	18.0	FERGUSON CROSSING
8244404	F-03-053805	4233930522		103		CONROE FIELD UNIT #219	CONROE	30.0	MORAN UTILITIES C
8244314	F-08-053138	4200333178		103		FULLERTON CLEARFORK UNIT #2609	FULLERTON	15.0	PHILLIPS PETROLEU
8244244	F-08-051401	4200332329		103		FULLERTON CLEARFORK UNIT #2717	FULLERTON	15.0	PHILLIPS PETROLEU
8244226	F-08-050770	4210332646		103		J B TUBB B #25L	SAND HILLS (TUBB) FIE	48.0	EL PASO NATURAL G
8244183	F-08-048462	4210332671		103		J C TUBB A/C 1 #251 U	SAND HILLS (MCKNIGHT)	48.0	EL PASO NATURAL G
8244256	F-08-051869	4210332847		103		J C TUBB A/C 1 #262L	SAND HILLS (TUBB)	85.0	EL PASO NATURAL G
*8244348	F-04-053557	4227331680		103		K R BORREGOS 576 (06544)	BORREGOS (COMBINED ZO	37.0	ARMCO STEEL CORP
*8244367	F-04-053700	4227331671		102-4		K R LOS SAUCES 12 (09957)	BISHOP EAST (H-78)	43.0	ARMCO STEEL CORP
*8244418	F-04-053864	4226130677		103		K R SAN JOSE DE LA PARRA 49 #09849	CALANDRIA (H-72)	300.0	ARMCO STEEL CORP
8244285	F-03-052672	4247300000		103		KATY GAS FIELD CONS UNIT #8205F	KATY (I-B)	1700.0	UNITED TEXAS TRAN
*8244432	F-06-053904	4234730466		102-2	107-TF	L E MOSER GAS UNIT 1 #1	DOUGLASS (COTTON VALL	274.0	ARMCO STEEL CORP
8244260	F-06-052063	4236531313		103	107-TF	L H PIRKLE #4	CARTHAGE (COTTON VALL	330.0	TEJAS GAS CORP
*8244380	F-04-053736	4226130678		102-4		MRS S K EAST 107-D (099185)	TAJOS (J-80)	350.0	ARMCO STEEL CORP
*8244379	F-04-053735	4226131678		102-4		MRS S K EAST 107-F (099186)	TAJOS (H-28)	600.0	ARMCO STEEL CORP
*8244420	F-04-053866	4204731084		102-4		RJK JR TR VIBORAS PASTURE 100-D	VIBORAS (ZONE 1 VIII	29.0	ARMCO STEEL CORP
*8244419	F-04-053865	4204731066		102-4		RJK JR TR ZACH PASTURE STATE 14	VIBORAS (G-54 VIII W)	237.0	ARMCO STEEL CORP
8244296	F-8A-052818	4216532336		103		ROBERTSON CLEARFORK UNIT #4401	ROBERTSON N (CLEARFOR	0.0	PHILLIPS PETROLEU
8244326	F-8A-053276	4216532337		103		ROBERTSON CLEARFORK UNIT #5601	ROBERTSON N (CLEARFOR	15.0	PHILLIPS PETROLEU
8244266	F-8A-052171	4216532339		103		ROBERTSON CLEARFORK UNIT 3103	ROBERTSON N (CLEARFOR	15.0	PHILLIPS PETROLEU

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8244282	F-10-052647	4221131458		103		T D WIGGINS B #1	MENDOTA NW (DOUGLAS L	20.0	TRANSWESTERN PIPE
-FARGO TRADING CO INC				RECEIVED:		07/21/82 JA: TX			
8244188	F-04-048854	4221500000		103		FANJAC TRUST & GAS UNIT #1	NORTH MONTE CHRISTO	310.0	VALERO INTERSTATE
-FIVE D CO				RECEIVED:		07/21/82 JA: TX			
8244325	F-10-053265	4234130570		103		MEIL (4612) #1	PANHANDLE MOORE COUNT	10.0	DIAMOND SHAMROCK
-GENERAL OPERATING COMPANY				RECEIVED:		07/21/82 JA: TX			
8244172	F-09-047760	4223734130		103		J E HENDERSON #3	JACK COUNTY REGULAR	21.0	LONE STAR GAS CO
-GETTY OIL COMPANY				RECEIVED:		07/21/82 JA: TX			
8244137	F-02-030651	4228531424		102-4		LILLIE MELNAR #1	WORD (8650*)	41.0	VALERO TRANSMISSI
-GOLDEN PETOLEUM				RECEIVED:		07/21/82 JA: TX			
8244151	F-09-045920	4243733872		102-4		WOODHOUSE #1 RRC 21936	STRAWN (MARBLE FALLS	50.0	LONE STAR GAS CO
-GREAT WEST ENERGY INC				RECEIVED:		07/21/82 JA: TX			
8244169	F-09-047511	4249732281		103		SEALLY #1	YOUNGER W (CADDO CONG	36.0	TEXAS UTILITIES F
-GUEST ENERGY CORP				RECEIVED:		07/21/82 JA: TX			
8244446	F-09-053959	4233731837		103		BALL #1	SMYRNA ATOKA	0.0	TEXAS UTILITIES F
-GULF OIL CORPORATION				RECEIVED:		07/21/82 JA: TX			
8244382	F-08-053739	4200333080		103		TRIPLE-N/GRAYBURG/CONS B90	TRIPLE-N (GRAYBURG)	13.0	PHILLIPS PETROLEU
-H & R OILS INC				RECEIVED:		07/21/82 JA: TX			
8244302	F-7C-052918	4239932102		103		CITY OF BALLINGER #1	BALLINGER SOUTH (CAPP	198.0	LONE STAR GAS CO
-HAMILTON BROTHERS OIL CO				RECEIVED:		07/21/82 JA: TX			
8244191	F-10-048957	4235731216		103		B J GARNETT #4-135	HORIZON (CLEVELAND)	18.3	NORTHERN NATURAL
8244225	F-02-050724	4217531467		107-DP		G L HARTER #1	FIFTEEN MILE CREEK	160.6	VALERO TRANSMISSI
8244247	F-01-051591	4217700000		102-2		LILA ROBINSON #1	COST (AUSTIN CHALK)	21.9	VALERO TRANSMISSI
-HENDERSON CLAY PRODUCTS INC				RECEIVED:		07/21/82 JA: TX			
8244192	F-06-048989	4240131356		102-2	107-TF	GLEN WILLIAMS ESTATE GAS UN WELL #1	CYRIL (COTTON VALLEY)	350.0	UNITED GAS PIPELI
-HERNDON OIL & GAS CO				RECEIVED:		07/21/82 JA: TX			
8244281	F-08-052554	4237100000		108		ACC UNIT 1-18A	GREY RANCH	0.0	VALERO TRANSMISSI
-HEYDRICK PETROLEUM CO				RECEIVED:		07/21/82 JA: TX			
8244240	F-09-051209	4207731544		102-4		A VEITENHEIMER #2-B RRC#-19988	ARROWHEAD (CADDO)	1.2	FAGADAU ENERGY CO
8244239	F-09-051207	4207731934		102-4		A VEITENHEIMER #3-B RRC#-19988	ARROWHEAD (CADDO)	1.8	FAGADAU ENERGY CO
8244238	F-09-051206	4207732481		102-4		A VEITENHEIMER #4-B RRC#-19988	ARROWHEAD (CADDO)	1.2	FAGADAU ENERGY CO
8244237	F-09-051203	4207732467		102-4		AL R LINDEMAN #2 RRC#	ARROWHEAD (CADDO)	1.0	FAGADAU ENERGY CO
-HILLIARD OIL & GAS INC				RECEIVED:		07/21/82 JA: TX			
8244433	F-08-053906	4249531378		103		SEALY SMITH "F" #5	ARENOSA (STRAWN DETRI	7.2	EL PASO NATURAL G
-HLH PETROLEUM CORP				RECEIVED:		07/21/82 JA: TX			
8244416	F-7B-053862	4224331946		103		C SMITH #21-2 (17443)	NOODLE NW (CANYON SD	18.0	PALO DURO PIPELIN
8244417	F-7B-053863	4225331931		103		C SMITH #21-3 (17443)	NOODLE NW (CANYON SD	37.0	PALO DURO PIPELIN
-HNG OIL COMPANY				RECEIVED:		07/21/82 JA: TX			
8244447	F-04-053969	4247900000		102-4		HIRSCH ESTATE "1600" #1	JUANITA (LOBO)	193.0	HOUSTON PIPELINE
8244228	F-04-050806	4247900000		102-4	103	MARY ETTA LESSOR #3	BIG COWBOY (WILCOX 60	0.0	HOUSTON PIPELINE
-HOME PETROLEUM CORPORATION				RECEIVED:		07/21/82 JA: TX			
8244306	F-01-052993	4212732168		102-4	103	H E STUMBERG JR #3 L	BLAKEWAY (STRICKLAND)	0.0	VALERO TRANSMISSI
-HORIZON OIL & GAS CO OF TEXAS				RECEIVED:		07/21/82 JA: TX			
8244364	F-10-053696	4219530232		108		JARVIS #2 #03834	HORIZON (CLEVELAND)	9.1	INTERNORTH
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED:		07/21/82 JA: TX			
8244154	F-03-046276	4228730100		103		WM BRADEMAN G I S D #1	GIDDINGS	0.0	PGP GAS PRODUCTS
-HUFO PRODUCTION CORP				RECEIVED:		07/21/82 JA: TX			
8244403	F-10-053798	4206531107		103		WARE 84-2 05071	PANHANDLE CARSON COUN	91.3	CABOT PIPELINE CO
-HUGHES & HUGHES				RECEIVED:		07/21/82 JA: TX			
8244221	F-04-050590	4235531632		102-4		J T KIRCHER #2	COTTON (MILLER) FIELD	182.5	FERGUSON CROSSING
-IKE LOVELADY INC				RECEIVED:		07/21/82 JA: TX			
8244206	F-7C-049918	4243532650		102-4		WEST #6	INTERSTATE (STRAWN)	109.5	ADOBE GAS CO
8244323	F-7C-053226	4243532664		102-4		WEST #7-U	INTERSTATE (STRAWN)	182.5	ADOBE GAS CO

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-INDIAN WELLS OIL CO				RECEIVED:	07/21/82	JA: TX			
8244339	F-7C-053408	4223531897		102-2		PROBANDT 4-2	PROBANDT (CANYON)	0.0	CRA INC
8244274	F-7C-052463	4223531812		102-2		RICHEY 55A-4	PROBANDT (CANYON)	0.0	NORTHERN NATURAL
-J M HUBER CORPORATION				RECEIVED:	07/21/82	JA: TX			
8244415	F-10-053860	4223331381		103		HODGES #13	PANHANDLE	62.0	COLORADO INTERSTA
8244407	F-10-053812	4223331339		103		SOUTH HERRING #167	PANHANDLE	37.0	COLORADO INTERSTA
8244436	F-10-053934	4223331338		103		SOUTH HERRING #168	PANHANDLE	37.0	COLORADO INTERSTA
-J W FITZGERALD				RECEIVED:	07/21/82	JA: TX			
8244322	F-06-053221	4240131099		102-4		J O POOVEY OIL UNIT #1	MINDEN (TRAVIS PEAK L	72.0	TEXAS UTILITIES F
-JACKSON EXPLORATION INC				RECEIVED:	07/21/82	JA: TX			
8244215	F-8A-050338	4231732467		103		BAUER #1	WILDCAT	36.0	ADOBE OIL & GAS C
-JOHNSON BROTHERS				RECEIVED:	07/21/82	JA: TX			
8244133	F-10-016414	4223300000		108-ER		C E DUNAWAY #3 01930	PANHANDLE-HUTCHINSON	2.0	PHILLIPS PETROLEU
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	07/21/82	JA: TX			
8244182	F-10-048368	4221100000		103		FILLINGIM #2	BUFFALO WALLOW	100.0	EL PASO NATURAL G
-KILROY CO OF TEXAS				RECEIVED:	07/21/82	JA: TX			
8244142	F-02-041706	4229732152		102-4		PATRICIA PERKINS CROCKER #A-1	BRASLAU E (2ND-MASSIV	292.0	UNITED TEXAS TRAN
8244152	F-03-046014	4270430123		102-4		STATE TRACT 367-L #2-L	MIDDLE BANK REEF (MIO	1095.0	FLORIDA GAS TRANS
-LADD PETROLEUM CORPORATION				RECEIVED:	07/21/82	JA: TX			
8244343	F-7B-053526	4236700000		108		GILBERT #1	BRAZOS EAST (CADDO)	12.0	LONE STAR GAS CO
8244345	F-7B-053528	4236700000		108		H CARR UNIT "E" #1	BRAZOS EAST (CADDO)	12.1	LONE STAR GAS CO
8244346	F-7B-053529	4236700000		108		H CARR UNIT "F" #1	BRAZOS EAST (CADDO)	10.4	LONE STAR GAS CO
8244344	F-7B-053527	4236700000		108		H CARR UNIT "I" #1	BRAZOS EAST (CADDO)	9.5	LONE STAR GAS CO
8244342	F-7B-053525	4236700000		108		HERRING "A" #1	BRAZOS EAST (CADDO)	13.0	LONE STAR GAS CO
-LANDMARK EXPLORATION INC				RECEIVED:	07/21/82	JA: TX			
8244170	F-03-047541	4205131950		102-2		SAM WILLIAMS ESTATE #1	CALDWELL (AUSTIN CHAL	200.0	CLAJON GAS CO
-LARIO OIL & GAS COMPANY				RECEIVED:	07/21/82	JA: TX			
8244381	F-08-053738	4217331191		102-4		COOPER 1-X	BLALOCK LAKE WEST (WO	136.0	PHILLIPS PETROLEU
-LIVEOAK PRODUCTION CO				RECEIVED:	07/21/82	JA: TX			
8244227	F-7B-050794	4208331807		102-4		TERRY MCIVER #1 #18212	TRICKHAM (CROSSCUT LO	136.0	LONE STAR GAS CO
-LUCKY BIRD PETROLEUM, INC.				RECEIVED:	07/21/82	JA: TX			
8244267	F-10-052314	4206530644		103		THORNBURG #6	PANHANDLE CARSON COUN	0.0	GETTY OIL CO
-MALOUF ABRAHAM CO INC.				RECEIVED:	07/21/82	JA: TX			
8244327	F-10-053278	4221131476		103		JONES #1	FELDMAN (TONKAWA)	0.0	PHILLIPS PETROLEU
-MARTIN OIL & GAS CO				RECEIVED:	07/21/82	JA: TX			
8244140	F-03-037399	4215700000		102-2		ALMEDA-HAROLD CORP #1	CLODINE W 56	0.0	TENNGASCO INC
-MAY PETROLEUM INC				RECEIVED:	07/21/82	JA: TX			
8244307	F-10-052999	4219530840		103		EDGE #1	SPOONY (MORROW UPPER)	73.0	
8244427	F-7B-053893	4243331393		103		MCFARLAND #1 (18430)	WOODWARD (BEND CONGLO	12.0	
-MCIVER INC				RECEIVED:	07/21/82	JA: TX			
8244210	F-7B-050169	4208300000		102-4		R W CUPPS #1	TRICKHAM (CROSSCUT)	0.0	LONE STAR GAS CO
-MCMAHON-BULLINGTON DRLG CO				RECEIVED:	07/21/82	JA: TX			
8244258	F-09-051994	4223700000		102-4		J F CRAIG #3	REBA (5100)	300.0	SOUTHWESTERN GAS
-MCMORAN PRODUCTION CO				RECEIVED:	07/21/82	JA: TX			
8244153	F-04-046055	4235531618		102-4		STATE TRACT 472 #1-L	ENCINAL CHANNEL N E (	0.0	UNITED GAS PIPE L
8244149	F-04-045699	4235531618		102-4		STATE TRACT 472 #1U	ENCINAL CHANNEL N E (	0.0	UNITED GAS PIPE L
-MCZ INC				RECEIVED:	07/21/82	JA: TX			
8244423	F-03-053887	4204100000		102-2		LUCY HARRISION UNIT I #1-L	KURTEN (BUDA)	50.0	FERGUSON CROSSING
8244434	F-03-053911	4204100000		102-2		M J TRIOLO UNIT #1	KURTEN (WOODBINE)	100.0	FERGUSON CROSSING
-MEG PETROLEUM CORP				RECEIVED:	07/21/82	JA: TX			
8244303	F-08-052926	4217331252		103		HOELSCHER #1	SPRABERRY (TREND AREA	24.0	PHILLIPS PETROLEU
8244386	F-7C-053752	4223531828		102-2 103		LOPEZ CREEK #1	ROCK PEN (CANYON)	77.0	INTERNORTH
-MEWBOURNE OIL COMPANY				RECEIVED:	07/21/82	JA: TX			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8244259	F-10-052052	4229530961		103		RADAR #1 RRC ID #05007	CARROLL (CLEVELAND)	10.0	TRANSWESTERN PIPE
-MILES PRODUCTION CO				RECEIVED:		07/21/82 JA: TX			
8244202	F-09-049646	4223700000		108		H H GLAZNER #1 ID#10944	POST OAK (CONGL)	40.0	LONE STAR GAS CO
8244181	F-09-048311	4223700000		102-4		M P HOEFLE "E" #1	ANTELOPE S E (MARBLE	91.0	SOUTHWESTERN GAS
-MITCHELL ENERGY CORPORATION				RECEIVED:		07/21/82 JA: TX			
8244236	F-09-051136	4223734188		103		B E BAKER "B" #1-C	BOONSVILLE (BEND CONG	151.0	NATURAL GAS PIPEL
8244396	F-09-053771	4249700000		108		CARL GOLAZ #1 #28658	BOONSVILLE (BEND CONG	4.1	NATURAL GAS PIPEL
8244398	F-09-053782	4249700000		108		CHANDLER-DAVIS #2 89195	BOONSVILLE (BEND CONG	9.6	NATURAL GAS PIPEL
8244321	F-09-053220	4249732359		103		CORA TAYLOR #3	BOONSVILLE (BEND CONG	502.0	NATURAL GAS PIPEL
8244283	F-09-052652	4249732305		103		GUSSIE KAKER #5	BOONSVILLE (BEND CONG	65.0	NATURAL GAS PIPEL
8244171	F-09-047760	4249700000		108		J M ROBINSON #2 17374	BOONSVILLE (BEND CONG	9.6	NATURAL GAS PIPEL
8244397	F-09-053773	4249700000		108		J R HAILEY #1 #40209	CHICO WEST (CONGL 570	11.2	CITIES SERVICE CO
8244242	F-09-051248	4249732242		103		J T MEADOWS #2	BOONSVILLE (BEND CONG	272.0	NATURAL GAS PIPEL
8244243	F-7C-051249	4243532578		103	107-TF	MCMILLAN 14-5	SAWYER (SAWYER CANYON	136.0	VALERO TRANSMISSI
8244179	F-05-048178	4229330581		103	107-TF	MILDRED THOMPSON #1	OAKS (COTTON VALLEY L	27.0	
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:		07/21/82 JA: TX			
8244366	F-08-053699	4232931051		103		FLORENCE HALL #3	PARKS (PENNSYLVANIAN)	49.3	EL PASO NATURAL G
-MOLE OPERATING COMPANY INC				RECEIVED:		07/21/82 JA: TX			
8244354	F-7B-053585	4222130457		108		LEONARD #3	BARBARA (STRAWN)	0.0	LONE STAR GAS CO
-MONSANTO COMPANY				RECEIVED:		07/21/82 JA: TX			
8244451	F-08-053981	4249531486		103		MITCHELL #4	MONAHANS N E (PENN DE	70.0	EL PASO NATURAL G
8244450	F-08-053980	4247532521		103		THORNTON #2	RHODA WALKER (CANYON	36.0	INTERNORTH GAS CO
-MOORE MCCORMACK OIL & GAS CORP				RECEIVED:		07/21/82 JA: TX			
8244197	F-06-049393	4200131302		102-4		BEACH #2	TENNESSEE COLONY S W	73.0	MOORE MCCORMACK G
8244180	F-05-048292	4228930424		102-4		G E LEE #1	LEE RANCH (TRAVIS PEA	220.0	TEXAS UTILITIES F
-MORRIS STEPHENS				RECEIVED:		07/21/82 JA: TX			
8244216	F-09-050378	4223700000		103		MINEOLA RIDER A #3	JACK COUNTY REGULAR	25.0	LONE STAR GAS CO
-MR OIL CO				RECEIVED:		07/21/82 JA: TX			
8244408	F-08-053814	4247532404		103		MCFARLAND I B SEC 29 #13	WARD-ESTES NORTH	15.0	WESTERN COUNTIES
-MURJO OIL & ROYALTY CO				RECEIVED:		07/21/82 JA: TX			
8244376	F-7B-053729	4236731647		108		LADD-CARR "E" #1	BRAZOS EAST (MARBLE F	9.0	LONE STAR GAS CO
8244377	F-7B-053730	4236731654		108		LADD-CARR "J" #1	BRAZOS EAST (CADDO)	5.0	LONE STAR GAS CO
8244375	F-7B-053728	4236730397		108		LADD-CARR "K" #3	BRAZOS EAST (MARBLE F	6.0	LONE STAR GAS CO
8244374	F-7B-053726	4236730772		108		LADD-CARR "M" #2	BRAZOS EAST (MARBLE F	17.0	LONE STAR GAS CO
8244378	F-7B-053731	4236731067		108		LADD-GILBERT "B" #1	BRAZOS EAST (CADDO)	13.0	LONE STAR GAS CO
-MV STEWART/EAGLE PETROLEUM				RECEIVED:		07/21/82 JA: TX			
8244195	F-02-049326	4246931718		102-4		L HALEPESKA #1	PRIDHAM LAKE (3950)	0.0	VALERO TRANSMISSI
-NATURAL GAS ELECTRONICS CORP.				RECEIVED:		07/21/82 JA: TX			
8244253	F-02-051801	4202500000		102-4		SPIEKERMAN E J #2-A	SLIVA (FRIO 2950)	73.0	VALERO TRANSMISSI
-NORDIC PETROLEUMS INC				RECEIVED:		07/21/82 JA: TX			
8244261	F-7C-052084	4239932142		103		JEFFREYS #1	LOCO RICO (DOG BEND)	20.0	VALERO TRANSMISSI
-NORTH AMERICAN PRODUCTION CO				RECEIVED:		07/21/82 JA: TX			
8244185	F-02-048631	4229732954		102-4		OLLA RAILEY #1	LAGARTO (PETTUS)	119.0	VALLEY GAS TRANSM
-NORTH CENTRAL OIL CORPORATION				RECEIVED:		07/21/82 JA: TX			
8244144	F-09-042755	4249732261		103		W B BRIDGES UNIT #2	BOONESVILLE (BEND CON	150.0	NATURAL GAS PIPEL
-NORTH STAR ENERGY INC				RECEIVED:		07/21/82 JA: TX			
8244246	F-7B-051491	4236300000		102-4		BALL #9	PYWACKET (DUFFER)	119.0	LONE STAR GAS CO
-OLSEN ENERGY INC				RECEIVED:		07/21/82 JA: TX			
8244402	F-08-053797	4247532542		103		DORR #3	DORR (QUEEN SAND)	11.5	PERRY PIPELINE CO
-PACE OPERATING INC				RECEIVED:		07/21/82 JA: TX			
8244290	F-7C-052764	4239931754		102-4		KLUTTS I #1	CHRIS (UPPER GARDNER)	209.0	UNION TEXAS PETRO
-PAUL D WEATHERBEE				RECEIVED:		07/21/82 JA: TX			
8244286	F-7B-052692	4213332076		103		MATTIE BAGGETT #1 (15878)	LEE RAY (DUFFER LIME)	44.0	LONE STAR GAS CO

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PAYNE OIL FIELD CONSULTING & OPER				RECEIVED:		07/21/82 JA: TX			
8244445	F-04-053947	4242933032		102-4		MCKELVAIN #1 RRC #098302	RUSSELL (DUFFER)	120.0	LONE STAR GAS CO
-PENINSULA RESOURCES CORPORATION				RECEIVED:		07/21/82 JA: TX			
8244174	F-04-047983	4240900000		103		J B WHATLEY #1	SPARTAN (8050)	92.0	TENNESSEE GAS PIP
-PENNZOIL PRODUCING COMPANY				RECEIVED:		07/21/82 JA: TX			
8244211	F-06-050176	4236531335		103	107-TF	HULL #A-24	CARTHAGE/COTTON VALLE	585.0	UNITED GAS PIPE L
-PERRYMAN OPERATING CO INC				RECEIVED:		07/21/82 JA: TX			
8244358	F-05-053627	4221300000		102-4		GODWIN #1	HAM FOX (RODESSA "G")	0.0	TEXAS UTILITIES F
-PETRO PLEX OIL CO INC				RECEIVED:		07/21/82 JA: TX			
8244264	F-7C-052105	4238332183		103		PETRO PLEX OIL CO SCOTT #1	SPRABERRY (TREND AREA	20.0	EL PASO NATURAL G
-PETRO-LEWIS CORPORATION				RECEIVED:		07/21/82 JA: TX			
8244159	F-7C-046508	4210500000		103		UNIVERSITY C #3	FARMERS	10.0	J L DAVIS CORP
8244160	F-7C-046509	4210500000		103		UNIVERSITY C #4	FARMERS	10.0	J L DAVIS CORP
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:		07/21/82 JA: TX			
8244356	F-09-053602	4223700000		108		R W RIDER #2	NORTHRIDGE (ATOKA CON	0.0	LONE STAR GAS CO
8244353	F-09-053584	4223700000		108		R W RIDER #3	NORTHRIDGE (ATOKA CON	0.0	LONE STAR GAS CO
8244352	F-09-053583	4223700000		108		R W RIDER #4	NORTHRIDGE (ATOKA CON	0.0	LONE STAR GAS CO
-PETROLEUM INC				RECEIVED:		07/21/82 JA: TX			
8244200	F-10-049567	4221131266		103		MITCHELL UNIT #2	CANADIAN WEST MORROW	300.0	PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		07/21/82 JA: TX			
8244440	F-08-053940	4249503422		108		BASH #7	KEYSTONE (ELLENBURGER	5.0	SID RICHARDSON CA
8244439	F-08-053939	4222731531		108		BELLAM #11	IATAN EAST (HOWARD)	1.0	GETTY OIL CO
8244175	F-10-048080	4217931055		103		KEAHEY A #1	PANHANDLE GRAY	0.0	UNDEDICATED
8244347	F-08-053535	4213521625		108		NORTH PENWELL #74	PENWELL	5.0	EL PASO NATURAL G
8244368	F-10-053703	4217900000		108		ROBERTS D #7	HORIZON CLEVELAND	0.0	
8244158	F-10-046430	4242100000		108		SHIRK #1	TEXAS HUGOTON	0.0	MICHIGAN WISCONSI
8244435	F-08-053916	4200304687		108		UNIVERSITY ANDREWS #71	EMBAR (5600')	7.0	EL PASO NATURAL G
-PRODECO EXPLORATIONINC				RECEIVED:		07/21/82 JA: TX			
8244249	F-03-051650	4204130730		102-2		DUCHMASCLO UNIT I #1		102.6	PRODUCERS GAS CO
8244250	F-03-051651	4204130692		102-2		F BOWMAN UNIT I #1		104.4	PRODUCERS GAS CO
8244204	F-03-049757	4204130690		102-2		PULTS UNIT I #1-L	KURTEN (BUDA)	105.9	PRODUCERS GAS CO
-QUANAH PETROLEUM INC				RECEIVED:		07/21/82 JA: TX			
8244232	F-08-050864	4200332808		102-4		WARD #1	STUMP (ABO)	0.0	GETTY OIL CO
8244233	F-08-050865	4200333003		102-4		WARD #2	STUMP (ABO)	75.0	GETTY OIL CO
-R A W ENERGY CORP				RECEIVED:		07/21/82 JA: TX			
8244263	F-7B-052104	4236300000		103		KOLP #1	EASTLAND COUNTY REGUL	0.0	SOUTHWESTERN GAS
-R L FOREE				RECEIVED:		07/21/82 JA: TX			
8244365	F-7B-053697	4235331134		102-4		SUNNY GRAY #1	J & J (CADDO)	0.0	PALO DURO PIPELIN
-R LACY INC				RECEIVED:		07/21/82 JA: TX			
8244214	F-06-050335	4236531411		102-4		BRIGGS UNIT 1 #3 RRC#N/A	CARTHAGE (TRAVIS PEAK	28.0	ARKANSAS LOUISIAN
8244385	F-06-053749	4236500000		108		BURNETT BROS UNIT 11 WELL #80	CARTHAGE (TRAVIS PEAK	14.0	NATURAL GAS PIPEL
-RAY H EUBANK				RECEIVED:		07/21/82 JA: TX			
8244136	F-06-029836	4220330576		102-4		TECARO WOOD #1-C 89519	LONGVIEW NORTH (TRAVI	102.3	TEJAS GAS CORP
-REALITOS ENERGY CORP				RECEIVED:		07/21/82 JA: TX			
8244201	F-02-049644	4223931716		103		MAURITZ ESTATE #1-C	MAURITZ (6245)	10.0	DELHI GAS PIPELIN
-REO INDUSTRIES INC				RECEIVED:		07/21/82 JA: TX			
8244340	F-10-053411	4223300000		103		WHITTENBURG A 8-21	PANHANDLE HUTCHINSON	27.0	TRANS-PAN PIPELIN
8244272	F-10-052397	4223300000		103		WHITTENBURG 5-21	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
-RIDGE OIL CO				RECEIVED:		07/21/82 JA: TX			
8244298	F-09-052838	4250334440		103		BURROW #1	YOUNG COUNTY REGULAR	16.8	EAGLE-THRIFTWAY G
8244268	F-7B-052318	4213333804		102-4	103	KING #1	RANGER NW (MARBLE FAL	36.0	COMPRESSOR RENTAL
8244212	F-7B-050202	4213333505		102-4	103	NICKS #1	RANGER NW (MARBLE FAL	57.6	COMPRESSOR RENTAL
8244318	F-7B-053178	4213333811		102-4	103	TIBBELS #1	RANGER NW (MARBLE FAL	27.0	COMPRESSOR RENTAL

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-RIFE OIL PROPERTIES INC				RECEIVED:		07/21/82 JA: TX			
8244424	F-7B-053890	4236332810		102-4		J B TAYLOR #3 (099125)	MINERAL WELLS STRAWN	0.0	SOUTHWESTERN GAS
-SAGE ENERGY CO				RECEIVED:		07/21/82 JA: TX			
8244288	F-03-052711	4214931309		102-2		EASON #1 RRC#	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8244333	F-7C-053334	4210500000		103		GULF STATE 15-G RRC# 09483	FARMER (SAN ANDRES)	0.0	INTERNORTH
8244287	F-03-052709	4214931280		102-2		PLUM "G" UNIT #1 RRC#	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8244251	F-08-051652	4249500000		103		SEALY & SMITH "72-B" RRC #27264	MONAHANS (WOLFCAMP)	0.0	
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED:		07/21/82 JA: TX			
8244224	F-02-050639	4229732661		102-4		CHARLES L BODDEN #7-L	FANT (WILCOX 10,200)	500.0	UNITED TEXAS TRAN
8244205	F-04-049805	4250531298		102-4		LAURO GARZA #1	LAURO GARZA (WILCOX L	500.0	UNITED TEXAS TRAN
-SAVOY OIL CO				RECEIVED:		07/21/82 JA: TX			
8244331	F-7B-053297	4243331402		103		ADOLPH STULIR #1	CORSICA (BEND CONGLOM	18.0	CITIES SERVICE CO
8244383	F-7B-053740	4243332359		103		J J BUBELA #1 (18608)	CORSICA (BEND CONGLOM	453.0	CITIES SERVICE CO
8244384	F-7B-053742	4243300000		103		WENDEBORN #2 (14744)	CORSICA (BEND CONGLOM	365.0	CITIES SERVICE CO
-SAXON OIL COMPANY				RECEIVED:		07/21/82 JA: TX			
8244312	F-7C-053107	4238332006		103		BRANCH #1	BENEDUM N E (BEND LIM	0.0	INTERNORTH
-SEELY OIL CO				RECEIVED:		07/21/82 JA: TX			
8244355	F-7B-053601	4242932909		102-4		BLACK "28"	HORNSBY (DUFFER)	82.1	GREAT WESTERN GAS
-SESCO PRODUCTION CO				RECEIVED:		07/21/82 JA: TX			
8244138	F-06-031846	4240131053		103	107-TF	WALTER R SMITH #1	MINDEN (COTTON VALLEY	0.0	LONE STAR GAS CO
-SHELL OIL CO				RECEIVED:		07/21/82 JA: TX			
8244395	F-08-053766	4213500000		108		E HARPER UNIT #334	HARPER	0.7	PHILLIPS PETROLEU
8244394	F-09-053765	4218100000		108		EMBRY J #4	BIG MINERAL CREEK (V	13.8	UNION TEXAS PETRO
8244393	F-08-053764	4213500000		108		JORDAN UNIVERSITY WELL #104	JORDAN	0.7	PHILLIPS PETROLEU
8244390	F-08-053761	4200300000		108		RAINEY DONNA MRS #3	UNION	0.8	PHILLIPS PETROLEU
8244392	F-08-053763	4213500000		108		THOMAS-B-TRACT 2 #18	TXL (SAN ANDRES)	1.4	SHELL OIL ET AL
8244389	F-08-053760	4213500000		108		TXL-O-#3	TXL(SAN ANDRES)	5.9	SHELL OIL ET AL
8244388	F-08-053759	4213500000		108		TXL-Q-#3	GOLDSMITH W (SAN ANDR	3.0	SHELL OIL
8244391	F-10-053762	4229500000		108		WHEAT #4-764	KIOWA CREEK (MORROW U	10.6	PHILLIPS PETROLEU
-SKLAR & PHILLIPS OIL CO				RECEIVED:		07/21/82 JA: TX			
8244428	F-06-053896	4242330531		103		JAMES WARREN ESTATE #1	CHAPEL HILL (RODESSA)	18.0	EAST TEXAS PRODUC
-SOUJOURNER DRILLING CORP				RECEIVED:		07/21/82 JA: TX			
8244449	F-7B-053979	4225332139		102-4		W H MARSH #8 (15343)	JAY (CANYON LIME)	4.0	PALO DURO PIPELIN
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		07/21/82 JA: TX			
8244168	F-01-047482	4212732188		103		BIG WELLS (SAN MIGUEL) UNIT #5506	BIG WELLS (SAN MIGUEL	16.0	HOUSTON PIPELINE
8244194	F-7C-049256	4208130959		103		CENTRAL NATIONAL BANK #21	LYGAY	31.0	LONE STAR GAS CO
8244257	F-08-051981	4213533667		103		GRAYBURG GAS UNIT IX #2	GOLDSMITH EAST (GRAYB	139.0	WESTAR TRANSMISSI
8244360	F-08-053664	4200300000		108		HOLT O B PENN #1-14	TRIPLE N	2.0	WESTAR TRANSMISSI
8244294	F-7C-052778	4208131072		103		J S WALKER #15	JAMESON S E (STRAWN)	41.0	LONE STAR GAS CO
8244406	F-7C-053811	4208131088		103		JAMESON REEF UNIT #11-67	JAMESON	114.0	LONE STAR GAS CO
8244405	F-7C-053809	4208131055		103		JAMESON REEF UNIT #19-15	JAMESON	61.0	LONE STAR GAS CO
8244275	F-8A-052481	4221933311		103		MALLET LAND & CATTLE CO A/C-1 #9	SLAUGHTER	6.0	AMOCO PRODUCTION
8244411	F-08-053825	4200333077		103		NELLIE C MARTIN #14	MARTIN WEST (FUSSELMA	15.0	PHILLIPS PETROLEU
8244359	F-08-053662	4200300000		108		ROBERT B HOLT #5	COWDEN NORTH	0.4	WESTAR TRANSMISSI
8244410	F-8A-053821	4221933331		103		S E LEVELLAND UNIT #277	LEVELLAND	6.0	AMOCO PRODUCTION
-SUPERIOR OIL CO				RECEIVED:		07/21/82 JA: TX			
8244167	F-03-047449	4205131981		102-2	103	BESSIE MAASS #1	GIDDINGS (AUSTIN CHAL	0.0	
8244209	F-08-050140	4200332979		103		LOCKHART & BROWN "14" #3	NIX SOUTH	0.0	PHILLIPS PETROLEU
8244157	F-03-046353	4203931741		103		LOCKHART BANK UNIT #2 WELL #4	ALVIN SOUTH	0.0	FLORIDA GAS TRANS
8244164	F-03-046851	4228731106		102-2	103	WILLIE GRIFFIN #1	GIDDINGS (AUSTIN CHAL	0.0	
-TAUBERT & STEED				RECEIVED:		07/21/82 JA: TX			
8244292	F-06-052773	4249931062		102-4		DAVID T LINDLEY #2	NEUHOFF (WOODBINE)	23.3	UNITED GAS PIPELI
8244293	F-06-052774	4249931013		102-4		LILLIAN TURBEVILLE #2	NEUHOFF (WOODBINE)	23.3	UNITED GAS PIPELI

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TAYLOR BROTHERS OIL CO				RECEIVED:	07/21/82	JA: TX			
8244308	F-10-053002	4234130782		103		DOTTIE #6 #04547	PANHANDLE MOORE COUNT	6.0	PHILLIPS PETROLEU
-TEN OIL OPERATING CO				RECEIVED:	07/21/82	JA: TX			
8244223	F-08-050601	4231732473		103		RUTLEDGE-MCALISTER #1	SPRABERRY (TREND AREA	18.0	PHILLIPS PETROLEU
-TENEXPLO FUND III				RECEIVED:	07/21/82	JA: TX			
8244147	F-09-044167	4250300000		102-2		WORTH GRAGG #1	YOUNG COUNTY REGULAR	5523.5	MID-STATES GAS CO
8244156	F-09-046328	4250300000		102-2		WORTH GRAGG #11	YOUNG COUNTY REGULAR	5523.5	MID-STATE GAS COR
8244155	F-09-046327	4250300000		102-2		WORTH GRAGG #9	YOUNG COUNTY REGULAR	5523.5	MID-STATE GAS COR
-TENNECO OIL COMPANY				RECEIVED:	07/21/82	JA: TX			
8244207	F-03-049941	4237330440		103		KINGSBURY CO HOLDING CORP #5	LIVINGSTON 2650	0.0	
-TERRY L MCIVER				RECEIVED:	07/21/82	JA: TX			
8244229	F-7B-050833	4208332865		102-4		MARKHAM #1 #099028	TRICKHAM (CROSSCUT LO	27.0	LONE STAR GAS CO
-TEXACO INC				RECEIVED:	07/21/82	JA: TX			
8244213	F-08-050248	4210931559		103		CULBERSON "Y" FEE #3	FORD WEST (4100)	0.0	EL PASO NATURAL G
8244278	F-8A-052492	4221933346		103		IRA P.DELOACHE #41	LEVELLAND	41.2	AMOCO PRODUCTION
8244277	F-8A-052491	4221933320		103		IRA P DELOACHE #45	LEVELLAND	69.7	AMOCO PRODUCTION
8244241	F-8A-051233	4250132069		103		ROBERTS UNIT #2717	WASSON	0.0	SHELL OIL CO
8244252	F-8A-051704	4250132074		103		ROBERTS UNIT #2738	WASSON	37.3	SHELL OIL CO
8244177	F-08-048099	4243131099		103		STERLING "T" FEE #4	CONGER SW (PENN)	144.5	
-THROCKMORTON GAS SYSTEMS				RECEIVED:	07/21/82	JA: TX			
8244300	F-7B-052901	4244700000		102-4		BROWN #3 (18242)	BROWN RANCH (CADDO)	0.0	WARREN PETROLEUM
8244139	F-7B-037134	4244700000		102-4		MORRISON #1-A 80643	MORRISON (MARBLE FALL	0.0	WARREN PETROLEUM
-TIMN OIL CO				RECEIVED:	07/21/82	JA: TX			
8244341	F-7B-053453	4242933171		103		WHITFIELD #1 (18219)	HELA (BOND SAND)	60.0	LONE STAR GAS CO
-TIPPERARY OIL AND GAS CORP				RECEIVED:	07/21/82	JA: TX			
8244231	F-01-050861	4216300000		103		ENGLISH #7	PEARSALL (AUSTIN CHAL	0.0	TIPPERARY CORP
8244230	F-01-050860	4216332146		103		HARRIS "G" #2	PEARSALL (AUSTIN CHAL	0.0	TIPPERARY CORP
-TRITON OIL & GAS CORP				RECEIVED:	07/21/82	JA: TX			
8244320	F-05-053200	4216100000		102-4		K A MUMBERSON #1	WINKLER S (RODESSA)	525.0	LONE STAR GAS CO
-TUCKER DRILLING COMPANY INC				RECEIVED:	07/21/82	JA: TX			
8244187	F-7C-048847	4241331147		102-4 103		HARDEMAN #1	GENEVA	46.0	
8244429	F-7C-053897	4241331147		103	107-TF	HARDEMAN #1	KLATT (CANYON)	115.2	PRODUCER'S GAS CO
-TXO PRODUCTION CORP				RECEIVED:	07/21/82	JA: TX			
8244270	F-08-052364	4210931555		102-4		CATCLAW STATE "A" #1	GERALDINE (DELAWARE 3	12.0	DELHI GAS PIPELIN
8244271	F-08-052365	4210931556		102-4		CATCLAW STATE "A" #2	GERALDINE (DELAWARE 3	12.0	DELHI GAS PIPELIN
8244176	F-02-048090	4205730961		103		WILSON L-1	PORT LAVACA SW (FRIO	0.0	DELHI GAS PIPELIN
-U S OPERATING INC				RECEIVED:	07/21/82	JA: TX			
8244265	F-03-052152	4228731139		102-4		MCFARLAND WM M #1 RRC ID N/A	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
-W L PENNINGTON INC				RECEIVED:	07/21/82	JA: TX			
8244146	F-10-043759	4208730098		108-ER		EMMERT 1-99 ID #76463	PANHANDLE EAST	36.5	EL PASO NATURAL G
-W P FOSTER				RECEIVED:	07/21/82	JA: TX			
8244245	F-7B-051477	4213333552		103		DON MASSINGILL #1	EASTLAND COUNTY REGUL	365.0	ODESSA NATURAL CO
-W R EDWARDS JR				RECEIVED:	07/21/82	JA: TX			
8244414	F-10-053830	4223300000		103		COBLE CATTLE CO #38-1	PANHANDLE HUTCHINSON	90.0	PANHANDLE PRODUCI
8244413	F-10-053829	4223300000		103		COBLE CATTLE CO #44-1	PANHANDLE HUTCHINSON	90.0	PANHANDLE PRODUCI
8244412	F-10-053828	4223300000		103		COBLE CATTLE CO #54-1	PANHANDLE HUTCHINSON	90.0	PANHANDLE PRODUCI
-WALTER D CLINE JR				RECEIVED:	07/21/82	JA: TX			
8244338	F-02-053392	4217500000		103		LILLIE MEYER #2 -099111	SOUTH WEESATCHE	5.2	LONE STAR GAS CO
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	07/21/82	JA: TX			
8244330	F-08-053282	4210332550		103		J B TUBB "A" #36	SAND HILLS (MCKNIGHT)	185.0	EL PASO NATURAL G
8244329	F-08-053281	4210332833		103		P J LEA #122	LEA (SAN ANDRES)	4.3	EL PASO NATURAL G
8244328	F-08-053280	4210332836		103		P J LEA #125	LEA (SAN ANDRES)	13.3	EL PASO NATURAL G
-WCS PETROLEUM INC				RECEIVED:	07/21/82	JA: TX			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8244309	F-03-053016	4205132220		102-2		FRANKLIN KARASEK UNIT #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
-WILLIAMS EXPLORATION COMPANY				RECEIVED:		07/21/82 JA: TX			
8244186	F-03-048845	4248132256		102-4		ANDERSON #1	EGYPT NW (7400)	108.0	
8244198	F-02-049429	4205731136		102-4		P H WELDER "D" #6	KATIE WELDER N (J-3)	135.0	SEAGULL PIPELINE
-WOOD & LOCKER INC				RECEIVED:		07/21/82 JA: TX			
8244324	F-08-053247	4217331198		102-4		BLALOCK 33 #1	DEWEYLAKE (FUSSELMAN)	219.0	EL PASO NATURAL G
-WOOD ENERGY INC				RECEIVED:		07/21/82 JA: TX			
8244184	F-03-048484	4204100000		102-4		HOLLIGAN UNIT I #1 (15040)	KURTEN (AUSTIN CHALK)	18.5	PRODUCERS GAS CO
-WOOLF & MAGEE INC				RECEIVED:		07/21/82 JA: TX			
8244173	F-03-047905	4200500000		102-4		SHIPLEY GAS UNIT #1	DAMASCUS (SEAMANS)	720.0	
-WORLD PRODUCERS INC				RECEIVED:		07/21/82 JA: TX			
8244387	F-7B-053758	4236731540		108		L C ROY BYRD #2	MOBY DICK (CONGL)	6.0	NATURAL GAS PIPEL
-XB ENERGY SERVICES INC				RECEIVED:		07/21/82 JA: TX			
8244222	F-02-050597	4228531599		102-4		JESSIE KLIMITCHEK #1	SOUTHWEST SPEAKS FIEL	19.0	UNITED TEXAS TRAN

OTHER PURCHASERS VOLUME NO :706

8244348	E I DUPONT DE NEMOURS & CO INC
8244367	E I DUPONT DE NEMOURS & CO INC
8244379	E I DUPONT DE NEMOURS & CO INC
8244380	E I DUPONT DE NEMOURS & CO INC
8244418	E I DUPONT DE NEMOURS & CO INC
8244419	E I DUPONT DE NEMOURS & CO INC
8244420	E I DUPONT DE NEMOURS & CO INC
8244432	E I DUPONT DE NEMOURS & CO INC

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 within fifteen days after publication of notice in the **Federal Register.**

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. 82–23123 Filed 8–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Volume 707]

Natural Gas Companies; Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 17, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-TEXACO INC				RECEIVED:	03/19/82	JA: LA			
8244567	81-2430	1710922164		103		LP U-13 #75 VUM	LAKE PELTO	68.0	KAISER ALUMINUM &
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-AMOCO PRODUCTION CO				RECEIVED:	07/20/82	JA: MI			
8244634		2105534654		102-4		STATE UNION /U/ #3A-29	UNION 29	300.0	MICHIGAN CONSOLID
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-AMERICAN PENN ENERGY INC				RECEIVED:	07/20/82	JA: NY			
8244606	3208	3101315877		107-TF		BOSWELL UNIT #1 (F#1332)	DEWITTVILLE	25.0	COLUMBIA GAS TRAN
8244607	3207	3101315878		107-TF		BOSWELL UNIT #2 (F#1333)	DEWITTVILLE	0.0	COLUMBIA GAS TRAN
8244604	3206	3101316250		107-TF		CARTER UNIT #1 (1471)	DEWITTVILLE	0.0	COLUMBIA GAS TRAN
8244602	3204	3101315757		107-TF		F M ROSE UNIT #1 (1330)	DEWITTVILLE	25.0	COLUMBIA GAS TRAN
8244605	3205	3101315787		107-TF		GNAGY UNIT #1 (#1468)	DEWITTVILLE	25.0	COLUMBIA GAS TRAN
8244603	3203	3101315786		107-TF		GNAGY UNIT #2 (#1469)	DEWITTVILLE	25.0	COLUMBIA GAS TRAN
8244601	3202	3101315758		107-TF		M M RICHARDSON #1 (#1331)	DEWITTVILLE	25.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED:	07/20/82	JA: NY			
8244632	2572	3101315362		107-TF		CLAUDE HALLER UNIT #2	WILDCAT	0.0	COLUMBIA GAS TRAN
8244608	2667	3101316297		107-TF		N Y S REF AREA #10 - WELL #9	GERRY	30.0	COLUMBIA GAS TRAN
-CHAUTAUQUA NATURAL GAS CO INC				RECEIVED:	07/20/82	JA: NY			
8244631	2523	3101314174		107-TF		C PARKER #1	LAKESHORE	20.0	COLUMBIA GAS TRAN
8244613	2522	3101314175		107-TF		C PARKER #2	LAKESHORE	20.0	COLUMBIA GAS TRAN
8244612	2521	3101315010		107-TF		C PARKER #3B	LAKESHORE	20.0	COLUMBIA GAS TRAN
8244593	2520	3101314783		107-TF		C PARKER #4A	LAKESHORE	60.0	COLUMBIA GAS TRAN
8244594	2519	3101314276		107-TF		C PARKER #5	LAKESHORE	20.0	COLUMBIA GAS TRAN
-ECLIPSE MANAGEMENT ASSOCIATES INC				RECEIVED:	07/20/82	JA: NY			
8244614	2723	3101314770		107-TF		BALLING #1 #3156	LAKE SHORE	15.0	NATIONAL FUEL GAS
8244622	2717	3101314606		107-TF		BROWN #3 #3152	LAKE SHORE	10.0	NATIONAL FUEL GAS
8244620	2733	3101315000		107-TF		LOWE #3164	LAKE SHORE	6.0	NATIONAL FUEL GAS
8244595	1779	3101315017		108		VIDAL #1 #3148	STEBBINS CORNERS	13.0	NATIONAL FUEL GAS
8244615	2736	3101314340		107-TF		WARNSBIUS I #3106	LAKE SHORE	97.0	NATIONAL FUEL GAS
8244623	2734	3101315015		107-TF		WEISE #1 #3144	LAKE SHORE	10.0	NATIONAL FUEL GAS
-ENVIROGAS INC				RECEIVED:	07/20/82	JA: NY			
8244611	3235	3101316709		107-TF		N Y S REF AREA #5/WELL #18	LAKESHORE	18.0	COLUMBIA GAS TRAN
8244609	3230	3101316710		107-TF		N Y S REF AREA #5/WELL #20	LAKESHORE	16.0	COLUMBIA GAS TRAN
8244610	3234	3101316711		107-TF		N Y S REF AREA #5/WELL #21	LAKESHORE	18.0	COLUMBIA GAS TRAN
-J M RESOURCES				RECEIVED:	07/20/82	JA: NY			
8244596	2698	3101314895		107-TF		NEWBURY #6	LAKESHORE	16.4	NATIONAL FUEL GAS
-PARAGON RESOURCES INC				RECEIVED:	07/20/82	JA: NY			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8244629	1216	3101314563		103		A HALL UNIT #600	LAKESHORE	105.0	COLUMBIA GAS TRAN
8244628	1217	3101314564		103		A HALL UNIT #601	LAKESHORE	75.0	COLUMBIA GAS TRAN
8244625	1221	3101315366		103		A HALL UNIT #606-A	LAKESHORE	0.0	COLUMBIA GAS TRAN
8244618	1207	3101314554		103		C LYON UNIT #591	LAKESHORE	0.0	COLUMBIA GAS TRAN
8244624	1222	3101314882		103		E WINSLOW UNIT #607	LAKESHORE	38.0	COLUMBIA GAS TRAN
8244600	1223	3101314883		103		E WINSLOW UNIT #608	LAKESHORE	108.0	COLUMBIA GAS TRAN
8244616	1209	3101314556		103		E ZYSK UNIT #593	LAKESHORE	9.0	COLUMBIA GAS TRAN
8244627	1218	3101314598		103		G ENDRESS UNIT #602	LAKESHORE	28.0	COLUMBIA GAS TRAN
8244619	1208	3101314555		103		J FERRISS UNIT #592	LAKESHORE	0.0	COLUMBIA GAS TRAN
8244597	1226	3101314886		103		R BREADS UNIT #611	LAKESHORE	18.0	COLUMBIA GAS TRAN
8244599	1225	3101314885		103		R DECK UNIT #610	LAKESHORE	108.0	COLUMBIA GAS TRAN
8244617	1212	3101314559		103		R FUCHS UNIT #596	LAKESHORE	0.0	COLUMBIA GAS TRAN
8244630	1213	3101314560		103		R FUCHS UNIT #597	LAKESHORE	0.0	COLUMBIA GAS TRAN
8244626	1219	3101314565		103		R JACQUITH UNIT #603	LAKESHORE	54.0	COLUMBIA GAS TRAN
8244621	1206	3101314553		103		R ZACHARY UNIT #590	LAKESHORE	0.0	COLUMBIA GAS TRAN
8244598	1224	3101314884		103		V VANDEN BOSCH UNIT #609	LAKESHORE	30.0	COLUMBIA GAS TRAN
-TEEPEE PETROLEUMS INC				RECEIVED:	07/20/82	JA: NY			
8244633	2650	3101314468		107-TF		BATTAGLIA-THOMAS #2	MAYVILLE	18.0	COLUMBIA GAS TRAN
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WEST VIRGINIA DEPARTMENT OF MINES									
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-CABOT OIL & GAS CORP				RECEIVED:	07/22/82	JA: WV			
8244643		4703903579		107-DV		C A SHUMAN #1	WASHINGTON	9.0	TENNESSEE GAS PIP
8244638		4707901057		107-DV		J L MCLEAN A-92	UNION	35.0	TENNESSEE GAS PIP
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	07/22/82	JA: WV			
8244642		4708100499		102-2		BEAVER COAL COMPANY 820622	WEST VIRGINIA FIELD A	210.1	COLUMBIA GAS TRAN
-D C MALCOLM INC				RECEIVED:	07/22/82	JA: WV			
8244636		4707901059		107-DV		NOAH BIRD #1	BURDETTE-ST ALBANS	24.0	COLUMBIA GAS TRAN
-FMF OIL & GAS PROPERTIES				RECEIVED:	07/22/82	JA: WV			
8244637		4700101113		103		DURRETT #5	VALLEY DISTRICT	50.0	PARTNERSHIP PROPE
8244645		4700101113		108		DURRETT #5	VALLEY DISTRICT	50.0	PARTNERSHIP PROPE
-FOX DRILLING CO INC				RECEIVED:	07/22/82	JA: WV			
8244648		4700101262		107-DV		A F BOSELY #1	BELINGTON FIELD	20.0	COLUMBIA GAS TRAN
8244646		4700101133		107-DV		C POE #1B	BELINGTON FIELD	1.5	COLUMBIA GAS TRAN
-JAMES F SCOTT				RECEIVED:	07/22/82	JA: WV			
8244641		4704102537		108		CLAYTON E STOUT #1 S-263	FREEMANS CREEK	23.0	CONSOLIDATED GAS
8244640		4704102568		108		CLAYTON STOUT #2 S-273	FREEMANS CREEK	23.0	CONSOLIDATED GAS
8244639		4701900470		103		NICASTRO-HUDDLESTON #1 SW-401	KANAWHA	31.0	ROARING FORK GAS
-KAISER ENERGY INC				RECEIVED:	07/22/82	JA: WV			
8244635		4703501613		107-DV		CLYDE LATHEY KEM #133	ELK/POCA	29.2	ROARING FORK GAS
8244651		4703501599		107-DV		F M SAYRE KEM #115	ELK/POCA	36.5	ROARING FORK GAS
8244652		4703501596		107-DV		F M SAYRE KEM #119	ELK/POCA	29.2	ROARING FORK GAS
8244649		4703501610		107-DV		FAYE BROTHERTON KEM #120	ELK/POCA	29.2	ROARING FORK GAS
8244644		4703501557		107-DV		FLOYD M SAYRE KEM #56	ELK/POCA	36.5	ROARING FORK GAS
8244650		4703501602		107-DV		OWEN FRENCH KEM #118	ELK/POCA	29.2	ROARING FORK GAS
8244654		4703501594		107-DV		ROGER O HATCHER KEM #116	ELK/POCA	29.2	ROARING FORK GAS
8244653		4703501595		107-DV		ROGER O HATCHER KEM #117	ELK/POCA	29.2	ROARING FORK GAS
-SWIFT ENERGY CO				RECEIVED:	07/22/82	JA: WV			
8244647		4702103828		103		DAVIS "J" #4	GLENVILLE NORTH	50.0	COLUMBIA GAS TRAN
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
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-EL PASO EXPLORATION CO				RECEIVED:	07/22/82	JA: CO 1			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8244591	CD 0224-82	0506705302		108		IGNACIO 33-8 30 #11	IGNACIO BLANCO - MESA	26.0	NORTHWEST PIPELIN
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED:	07/22/82	JA: CO 1			
8244581	CD 0211-82	0510308592		102-2		N-21-3-101-S	CATHEDRAL	186.0	MOUNTAIN FUEL SUP
-J & D ASSOCIATES				RECEIVED:	07/22/82	JA: CO 1			
8244588	CD 0225-82	0510308908		103	107-TF	FEDERAL 24-4	CATHEDRAL	80.0	NORTHWEST PIPELIN
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED:	07/22/82	JA: CO 1			
8244590	CD 0198-82	0512506726		103		FEDERAL 1-7-343	BEECHER ISLAND (EXTEN	60.0	
-KOCH INDUSTRIES INC				RECEIVED:	07/22/82	JA: CO 1			
8244584	CD 0259-82	0507708442		102-2		WINTER FLATS 1-14-100 (DAKOTA)	WINTER FLATS	300.0	NORTHWEST PIPELIN
8244585	CD 0264-82	0507708442		107-TF		WINTER FLATS 1-14-100 (DAKOTA)	WINTER FLATS	300.0	NORTHWEST PIPELIN
-TENNECO OIL COMPANY				RECEIVED:	07/22/82	JA: CO 1			
8244568	CD 0489-81	0510308680		103	107-TF	GOVERNMENT #12-18	SOUTH DOUGLAS CREEK	40.0	NORTHWEST PIPELIN
8244570	CD 0485-81	0510308543		103	107-TF	GOVERNMENT #6-30-4-101	FOUNDATION CREEK	30.0	NORTHWEST PIPELIN
8244571	CD 0483-81	0510308680		103	107-TF	GOVERNMENT 12-18	SO DOUGLAS CREEK	100.0	NORTHWEST PIPELIN
8244569	CD 0134-82	0504506294		103		TENNECO USA #23-9	TWIN BUTTES	45.0	
-TETON ENERGY CO INC				RECEIVED:	07/22/82	JA: CO 1			
8244583	CD 0448-81	0507708313		102-2	107-TF	FEDERAL 30-3	DEBEQUE	186.0	NORTHWEST PIPELIN
8244582	CD 0528-81	0504506213		102-2	107-TF	GARFIELD II FEDERAL #26-3	BUZZARD	182.0	NORTHWEST PIPELIN
-VENTURES IN PETROLEUM INC				RECEIVED:	07/22/82	JA: CO 1			
8244578	CD 0239-82	0506706510		107-TF		VENTURE #1	IGNACIO BLANCO DAKOTA	200.0	NORTHWEST PIPELIN
8244576	CD 0240-82	0506706509		107-TF		VENTURE #2	IGNACIO BLANCO DAKOTA	300.0	NORTHWEST PIPELIN
8244577	CD 0242-82	0506706508		107-TF		VENTURE #3	IGNACIO BLANCO DAKOTA	50.0	NORTHWEST PIPELIN
-BELCO DEVELOPMENT CORP				RECEIVED:	07/22/82	JA: UT 1			
8244589	UD 0221-82	4304731093		103	107-TF	NORTH DUCK CREEK 60-29	DUCK CREEK	0.0	NORTHWEST PIPELIN
-COASTAL OIL & GAS CORP				RECEIVED:	07/22/82	JA: UT 1			
8244572	UD 0223-82	4304730535		103	107-TF	NBU 24N2 (12-10-22)	NATURAL BUTTES	565.0	COLORADO INTERSTA
8244573	UD 0218-82	4304731089		103	107-TF	NBU 68N2 (26-9-21)	NATURAL BUTTES	105.0	COLORADO INTERSTA
-CONOCO INC				RECEIVED:	07/22/82	JA: UT 1			
8244586	UD 0199-82	4304730700		107-TF		CONOCO WISSIUP 36 #15	NATURAL BUTTES	160.0	MOUNTAIN FUEL SUP
8244587	UD 0200-82	4304730700		103		CONOCO WISSIUP 36 #15	NATURAL BUTTES	160.0	MOUNTAIN FUEL SUP
-COTTON PETROLEUM CORPORATION				RECEIVED:	07/22/82	JA: UT 1			
8244575	UD 0177-82	4304700000		102-2		KING'S CANYON UNIT #1-11	WILDCAT	0.0	
8244574	UD 0170-82	4304730766		103	107-TF	LOVE UNIT B2-3	WILDCAT	185.0	NATURAL GAS CORP
-SNYDER OIL CO				RECEIVED:	07/22/82	JA: UT 1			
8244580	UD 0258-82	4304730831		103		BASER DRAW FEDERAL 1-31	BASER DRAW	97.0	NORTHWEST PIPELIN
8244592	UD 0210-82	4304730883		103		BASER DRAW FEDERAL 2-31	HORSESHOE BEND	67.0	NORTHWEST PIPELIN
8244579	UD 0256-82	4304731024		103		LAWSDALE FEDERAL 1-11	SOUTHEAST RED WASH	245.0	NORTHWEST PIPELIN

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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM

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-AMINOIL USA INC				RECEIVED:	07/22/82	JA: NM 4			
8244566	NM190881-102	3002527069		102-4		FEDERAL "30" #1	GEM MORROW	3650.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:	07/22/82	JA: NM 4			
8244485	NM-0466-82	3004507269		108		GALLEGOS CANYON UNIT #155 (3RD)	BASIN	20.0	EL PASO NATURAL G
8244484	NM-0465-82	3004507302		108		GALLEGOS CANYON UNIT #182 (2ND)	BASIN DAKOTA	13.0	EL PASO NATURAL G
8244456	NM-0201-82A	3004529100		103		J C GORDON "D" #2E (GALLUP)	ANGELS PEAK-GALLUP	13.0	EL PASO NATURAL G
8244486	NM-0467-82	3003921404		108		JICARILLA APACHE 102 #25	TAPACITO - PICTURED C	17.0	GAS CO OF NEW MEX
8244474	NM-0426-82	3004506499		108		P O PIPKIN #4 (2ND)	BASIN DAKOTA	14.0	EL PASO NATURAL G
8244473	NM-0425-82	3004520715		108		SHAW GAS COM "B" #1 (2ND)	BLANCO - PICTURED CLI	20.0	EL PASO NATURAL G
8244472	NM-0424-82	3003921475		108		VALENCIA CANYON UNIT #15	CHOZA MESA - PICTURED	12.0	EL PASO NATURAL G
8244481	NM-0095-82	3003921598		108		VALENCIA CANYON UNIT #17	CHOZA MESA	16.0	EL PASO NATURAL G
-COTTON PETROLEUM CORPORATION				RECEIVED:	07/22/82	JA: NM 4			
8244523	NM 1856-81	3003922658		103		APACHE #134	LINDRITH GALLUP - DAK	0.0	NORTHWEST PIPE LI

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-DEPCO INC						RECEIVED: 07/22/82 JA: NM 4			
8244482	NM-044582107	3000561258		102-2	107-TF	VANCE FEDERAL #1	WILDCAT	25.0	
-DOME PETROLEUM CORP						RECEIVED: 07/22/82 JA: NM 4			
8244515	NM-0437-82	3004522484		103		ROSS FEDERAL 4-26-13 #2	WAW FRUITLAND - P C	85.8	EL PASO NATURAL G
-DUGAN PRODUCTION CORP						RECEIVED: 07/22/82 JA: NM 4			
8244530	NM-1527-81	3004524754		108		HARD DEAL #4 WELL	PICTURED CLIFFS	10.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY						RECEIVED: 07/22/82 JA: NM 4			
8244480	NM-1979-81	3004512093		108		ATLANTIC C #8	BLANCO-PICTURED CLIFF	22.0	EL PASO NATURAL G
8244457	NM-0230-82	3004524141		108		BRUINGTON #1R	AZTEC-PICTURED CLIFFS	16.0	EL PASO NATURAL G
8244529	NM-1492-81	3004524141		108		BRUINGTON #1R	AZTEC - PICTURED CLIF	20.0	EL PASO NATURAL G
8244526	NM-1682-81	3003920532		108		CANYON LARGO UNIT #169 PC & CH	SOUTH BLANCO - PICTUR	25.0	EL PASO NATURAL G
8244533	NM0118-82PB	3003920727		108-PB		CANYON LARGO UNIT #206	BALLARD - PICTURED CL	20.0	EL PASO NATURAL G
8244527	NM-1801-81	3004520492		108		DAY #5	BLANCO-PICTURED CLIFF	22.0	EL PASO NATURAL G
8244491	NM-0484-82	3004511785		108		HEATON #20	AZTEC - PICTURED CLIF	20.0	EL PASO NATURAL G
8244500	NM-0353-82	3004506326		108		LODEWICK #8	BASIN DAKOTA	21.0	EL PASO NATURAL G
8244479	NM-1935-81	3004509246		108		LUDWICK #17	BASIN DAKOTA	21.0	EL PASO NATURAL G
8244525	NM-1674-81	3004505604		108		MCMANUS #9	BALLARD - PICTURED CL	20.0	EL PASO NATURAL G
8244519	NM-1804-81	3004520475		108		PIERCE #9	BLANCO - PICTURED CLI	22.0	EL PASO NATURAL G
8244458	NM-0231-82	3004509334		108		RIDDLE B #3	BLANCO-MESAVERDE	21.0	EL PASO NATURAL G
8244489	NM-0481-82	3003920954		108		SAN JUAN 27-4 UNIT #78	TAPACITO - PICTURED C	11.0	EL PASO NATURAL G
8244551	NM-0090-82PB	3003920921		108-PB		SAN JUAN 27-4 UNIT #81	TAPACITO - PICTURED C	22.0	EL PASO NATURAL G
8244516	NM-0438-82	3003920901		108		SAN JUAN 27-4 UNIT #85	TAPACITO PICTURED CLI	15.0	EL PASO NATURAL G
8244532	NM0117-82-PB	3003920902		108-PB		SAN JUAN 27-4 UNIT #86	TAPACITO-PICTURED CLI	20.0	EL PASO NATURAL G
8244498	NM-0454-82	3003907319		108		SAN JUAN 28-4 UNIT #14	BLANCO-MESA VERDE	19.0	EL PASO NATURAL G
8244538	NM-0111-82PB	3003920175		108-PB		SAN JUAN 28-4 UNIT #33	BASIN - DAKOTA	6.0	EL PASO NATURAL G
8244520	NM-1807-81	3003907189		108		SAN JUAN 28-6 UNIT #40	BLANCO-MESAVERDE	20.0	EL PASO NATURAL G
8244492	NM-0488-82	3003920381		108		SAN JUAN 28-7 UNIT #158	BASIN - DAKOTA	23.0	EL PASO NATURAL G
8244490	NM 0482-82	3003920961		108		SAN JUAN 28-7 UNIT #201 CH & PC	LARGO - CHACRA & SOUT	21.0	EL PASO NATURAL G
8244528	NM-1469-81	3003907172		108		SAN JUAN 28-7 UNIT #37	BLANCO SOUTH-PICTURED	22.0	EL PASO NATURAL G
8244493	NM-0489-82	3003982387		108		SAN JUAN 30-4 UNIT #33	BLANCO - MESA VERDE	14.0	EL PASO NATURAL G
8244541	NM-0104-82PB	3003907793		108-PB		SAN JUAN 30-6 UNIT #11	BLANCO - MESAVERDE	16.0	EL PASO NATURAL G
8244521	NM-1808-81	3004507025		108		SCHWERDTFEGER A #8	SOUTH BLANCO-PICTURED	20.0	EL PASO NATURAL G
8244460	NM-0095-82PB	3003906872		108-PB		SJ 27-4 UNIT #12	TAPACITO-PICTURED CLI	21.0	EL PASO NATURAL G
8244539	NM-0113-82PB	3003920174		108-PB		SJ 28-4 UNIT #32	BASIN-DAKOTA GAS	8.4	EL PASO NATURAL G
8244540	NM-0103-82PB	3003982393		108-PB		SJ 32-5 UNIT #3	BASIN-DAKOTA GAS	18.0	EL PASO NATURAL G
8244499	NM-0350-82	3004520676		108		SUNRAY B #3	BLANCO - PICTURED CLI	19.0	EL PASO NATURAL G
-JACK A COLE						RECEIVED: 07/22/82 JA: NM 4			
8244478	NM-0429-82	3004320227		108		APACHE FLATS #10	BALLARD PICTURED CLIF	16.0	EL PASO NATURAL G
8244475	NM-0427-82	3004320230		108		APACHE FLATS #11	BALLARD PICTURED CLIF	17.0	EL PASO NATURAL G
8244477	NM-0428-82	3004320228		108		APACHE FLATS #8	BALLARD PICTURED CLIF	16.0	EL PASO NATURAL G
8244463	NM 0268-82	3004320603		103		CHACON AMIGOS #8	CHACON DAKOTA ASSOCIA	44.0	EL PASO NATURAL G
-JEROME P MCHUGH						RECEIVED: 07/22/82 JA: NM 4			
8244465	NM0114-82PB	3003920185		108-PB		APACHE #2	BASIN DAKOTA	17.0	NORTHWEST PIPELIN
8244531	NM-0116-82PB	3003920350		108-PB		TIGER #2	TAPACITO PICTURED CLI	10.0	NORTHWEST PIPELIN
-MCCLELLAN OIL CORPORATION						RECEIVED: 07/22/82 JA: NM 4			
8244524	NM-016782107	3000561100		102-4	107-TF	COYOTE FEDERAL #2 NM-16069	UNDESIGNATED (ABO)	182.5	TRANSWESTERN PIPE
8244455	NM019281107	3000561138		102-4	107-TF	DANA FEDERAL #2 #NM-35925	UNDESIGNATED (ABO)	109.5	TRANSWESTERN PIPE
8244487	NM-047482107	3000561354		102-4	107-TF	MCCLELLAN COYOTE DRAW FED#3 NM28306	UNDESIGNATED (ABO)	146.0	TRANSWESTERN PIPE
8244513	NM0434-82107	3000561099		102-4	107-TF	MCCLELLAN COYOTE FED #3 NM-16069	UNDESIGNATED (ABO)	98.5	TRANSWESTERN PIPE
8244506	NM0348-82107	3000561305		102-4	107-TF	MCCLELLAN FEDERAL "MOC" #1 NM-36409	UND (ABO)	182.5	TRANSWESTERN PIPE
8244459	NM-024582107	3000561237		102-4	107-TF	PECOS RIVER FEDERAL #1 NM-38626	UNDESIGNATED (ABO)	109.5	TRANSWESTERN PIPE
-MOBIL PRDG TEXAS & NEW MEXICO INC						RECEIVED: 07/22/82 JA: NM 4			
8244565	NM 0310-82	3003922800		103		JICARILLA "E" #5-A	BLANCO MESAVERDE GAS	250.8	NORTHWEST PIPELIN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MTS LIMITED PARTNERSHIP				RECEIVED: 07/22/82		JA: NM 4			
8244503	NM0449-82107	3000561296		102-2	107-TF	COYOTE FEDERAL #9	PECOS SLOPE ABO	180.0	
8244505	NM0447-82107	3000561221		102-2	107-TF	STANCEL FEDERAL COM #4	PECOS SLOPE ABO	385.0	UNDETERMINED
-MTS LTD PARTNERSHIP				RECEIVED: 07/22/82		JA: NM 4			
8244504	NM0450-82107	3000561356		102-2	107-TF	ALKALI FEDERAL COM #10	UNDESIGNATED ABO	380.0	
8244496	NM0451-82107	3000561157		102-2	107-TF	ALKALI FEDERAL COM #5	UNDESIGNATED ABO	3.0	
8244502	NM0448-82107	3000561360		102-2	107-TF	LODEWICK FEDERAL COM #4	UNDESIGNATED ABO	6.0	UNDETERMINED
8244497	NM 0452-82	3004525215		103		SOUTH BLANCO FEDERAL 25 #7	LYBROOK GALLUP EXT	18.0	MESA PETROLEUM CO
-NORTHWEST PIPELINE CORP				RECEIVED: 07/22/82		JA: NM 4			
8244555	NM-0082-82PB	3004511217		108-PB		SAN JUAN 32-8 #30	BLANCO MV	0.0	EL PASO NATURAL G
8244564	NM0077-82-PB	3004511217		108-PB		SAN JUAN 32-8 #30	BLANCO MV	0.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 07/22/82		JA: NM 4			
8244535	NM 1430-81	3004521489		108		COX CANYON UNIT #13	BLANCO PICTURED CLIFF	25.0	EL PASO NATURAL G
8244488	NM-0477-82	3004521489		108		COX CANYON UNIT 13	BLANCO PICTURED CLIFF	25.0	EL PASO NATURAL G
8244550	NM-0087-82PB	3004521487		108-PB		HOLT UNIT #3	BLANCO PICTURED CLIFF	21.0	NORTHWEST PIPELIN
8244464	NM-0319-82	3003907331		108		INDIAN H 1	GAVILAN PICTURED CLIF	2.0	NORTHWEST PIPELIN
8244536	NM-0109-82PB	3003907355		108-PB		INDIAN L #2	BLANCO MV	0.0	NORTHWEST PIPELIN
8244542	NM-0106-82PB	3003907964		108-PB		ROSA UNIT #10	BLANCO MESAVERDE	18.3	EL PASO NATURAL G
8244561	NM-0073-82PB	3003900000		108-PB		ROSA UNIT #12	BLANCO MESAVERDE	21.0	EL PASO NATURAL G
8244546	NM-0093-82PB	3003900000		108-PB		ROSA UNIT #14	BLANCO	12.0	NORTHWEST PIPELIN
8244554	NM-0081-82PB	3003907963		108-PB		ROSA UNIT #16	BLANCO MV	0.0	EL PASO NATURAL G
8244545	NM-0092-82PB	3003907955		108-PB		ROSA UNIT #19	BLANCO MV	15.0	NORTHWEST PIPELIN
8244544	NM-0108-82PB	3003900000		108-PB		S/J 30-5 UNIT #10	BLANCO	11.0	NORTHWEST PIPELIN
8244543	NM-0107-82PB	3003900000		108-PB		S/J 30-5 UNIT #2 R	BLANCO	19.0	NORTHWEST PIPELIN
8244547	NM-0094-82PB	3003900000		108-PB		S/J 30-5 UNIT #2 R	BLANCO	19.0	NORTHWEST PIPELIN
8244553	NM-0079-82PB	3003900000		108-PB		S/J 30-5 UNIT #2 R	BLANCO	19.0	NORTHWEST PIPELIN
8244548	NM-0086-82PB	3003907799		108-PB		S/J 30-5 UNIT #30	BLANCO	13.0	NORTHWEST PIPELIN
8244552	NM-0091-82PB	3003900000		108-PB		SAN JUAN 29-6 #78	BASIN DAKOTA	21.0	NORTHWEST PIPELIN
8244563	NM0075-82-PB	3003921791		108-PB		SAN JUAN 30-5 #63	BLANCO PICTURED CLIFF	29.0	NORTHWEST PIPELIN
8244549	NM-0088-82PB	3003907778		108-PB		SAN JUAN 30-5 UNIT #34	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8244537	NM-0110-82PB	3003920779		108-PB		SAN JUAN 31-6 UNIT #24	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8244557	NM0084-82-PB	3004521545		108-PB		SAN JUAN 32-7 #28	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8244556	NM0083-82-PB	3004521289		108-PB		SAN JUAN 32-7 #32	BLANCO MESAVERDE	18.0	EL PASO NATURAL G
8244559	NM0067-82-PB	3004521289		108-PB		SAN JUAN 32-7 #32	BLANCO MESAVERDE	18.0	EL PASO NATURAL G
8244562	NM0074-82-PB	3004560243		108-PB		SAN JUAN 32-7 UNIT #17	BLANCO	17.0	NORTHWEST PIPELIN
8244560	NM-0072-82PB	3004522170		108-PB		SAN JUAN 32-8 #37	LOS PINOS FRUITLAND/P	0.0	EL PASO NATURAL G
8244558	NM0085-82-PB	3003907908		108-PB		SJ 31-6 #17	BLANCO MV	0.0	EL PASO NATURAL G
-SANDERS PETROLEUM CORP				RECEIVED: 07/22/82		JA: NM 4			
8244517	NM 0430-82	3000560145		107-TF		ISLER FEDERAL #1	UNDESIGNATED ABO	200.0	TRANSWESTERN PIPE
8244507	NM0440-82107	3000561160		102-2	107-TF	ISLER FEDERAL #2	UNDESIGNATED ABO	200.0	TRANSWESTERN PIPE
8244508	NM0441-82107	3000561245		102-2	107-TF	MICHAEL ERIC #2	UNDESIGNATED ABO	150.0	TRANSWESTERN PIPE
-SOUTHLAND ROYALTY CO				RECEIVED: 07/22/82		JA: NM 4			
8244471	NM 0420-82	3001523290		103		EMPIRE FEDERAL "34" COM #1	UNDESIGNATED	150.0	NORTHERN NATURAL
-STEVENS OPERATING CORP				RECEIVED: 07/22/82		JA: NM 4			
8244468	NM-038882107	3000561350		102-4	107-TF	COBIE/EBEID FEDERAL #1 (NM-29207)	WILDCAT ABO	274.0	TRANSWESTERN PIPE
8244495	NM0462-82107	3000561307		102-4	107-TF	EDMONDSON FEDERAL #3	UNDESIGNATED ABO	43.0	TRANSWESTERN PIPE
8244494	NM-056082107	3000561423		102-4	107-TF	HELEN-COLLINS FEDERAL #1 (NM38342)	WILDCAT	33.5	TRANSWESTERN PIPE
8244518	NM0432-82107	3000561388		102-4	107-TF	PAUL-HICKS FEDERAL #1	WILDCAT ABO	95.8	TRANSWESTERN PIPE
-SUPRON ENERGY CORPORATION				RECEIVED: 07/22/82		JA: NM 4			
8244534	NM-0552-81	3004524516		103		ANGEL PEAK 23-E	BASIN DAKOTA	210.0	SOUTHERN UNION GA
-TENNECO OIL COMPANY				RECEIVED: 07/22/82		JA: NM 4			
8244462	NM 0307-82	3004524921		103		NEAL 2E	BASIN DAKOTA	500.0	EL PASO NATURAL G
8244509	NM0444-82-A	3004524761		103		PATTERSON #1	BLANCO PICTURED CLIFF	500.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8244510	NM0444-82-8	3004524761		103		PATTERSON #1	BASIN DAKOTA	500.0	EL PASO NATURAL G
8244476	NM 0430-82	3004524971		103		ROELOFS #1-E	BASIN DAKOTA	500.0	EL PASO NATURAL G
8244511	NM 0443-82	3004524959		103		STOREY B1E	BASIN DAKOTA	500.0	NORTHWEST PIPELIN
8244514	NM 0436-82	3004524687		103		WILCH 5E	BASIN DAKOTA	500.0	EL PASO NATURAL G
-UNC TEXAS INC				RECEIVED:	07/22/82	JA: NM 4			
8244501	NM 0365-82	3003922787		103		BETTY "C" 3-31	LYBROOK-GALLUP	0.0	MESA PETROLEUM CO
8244466	NM 0366-82	3003922795		103		BETTY "C" 4-31	LYBROOK-GALLUP	0.0	MESA PETROLEUM CO
8244467	NM 0367-82	3003922794		103		BETTY "C" 5-31	LYBROOK-GALLUP	0.0	MESA PETROLEUM CO
-WALLEN PRODUCTION CO				RECEIVED:	07/22/82	JA: NM 4			
8244522	NM-1838-81	3002527122		102-4	103	WALLEN 19 FEDERAL #1 NM #077004	SOUTH TONTO (YATES) S	10.0	CONOCO INC
-YATES PETROLEUM CORPORATION				RECEIVED:	07/22/82	JA: NM 4			
8244461	NM-025482107	3000500000		102-4	107-TF	EVERETTE "OO" FEDERAL #6	UND ABO	0.0	TRANSWESTERN PIPE
8244470	NM0406-82107	3000561321		102-2	107-TF	GRAFA "RW" FEDERAL #1	PECOS SLOPE-ABO GAS	0.0	TRANSWESTERN PIPE
8244469	NM-040582107	3000561294		102-2	107-TF	LANGLEY "RJ" FEDERAL #1	PECOS SLOPE-ABO GAS	0.0	TRANSWESTERN PIPE
-BARUCH-FOSTER CORP				RECEIVED:	07/22/82	JA: OK 4			
8244483	OKA-0446-82	3511921709		102-4		HAWK HEIRS #1	SCHLEGEL	3.0	CITIES SERVICE GA
-PETROLEUM OPERATING CO INC				RECEIVED:	07/22/82	JA: OK 4			
8244512	OKA-0127-82	3511120434		108		BETTY LONG (MCKAN) 1-B (3-A)		273.8	PHILLIPS PETROLEU

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 within fifteen days after publication of notice in the **Federal Register.**

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. 82–23124 Filed 8–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Volume 708]

Natural Gas Companies; Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 17, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	07/23/82	JA: CO			
8244702	81-525	0500506436		103		CHAMPLIN 321 AMOCO "A" #1	FAIRWAY	181.0	COLORADO INTERSTA
8244703	81-502	0503906360		103		CHAMPLIN 569 AMOCO "A" #3	DEADEYE	70.0	SUN GAS CO
-BIG FOUR PETROLEUM CO				RECEIVED:	07/23/82	JA: CO			
8244655	81-582	0500506421		102-2		BILLINGS 1-6	FAIRWAY	20.0	SUN GAS CO
8244656	81-583	0500506447		102-2		KALCEVIC #1	FAIRWAY	40.0	SUN GAS CO
8244657	81-580	0500506449		102-2		KALCEVIC #2	FAIRWAY	0.0	SUN GAS CO
8244658	81-584	0509906128		102-2		NEVIUS #1-30	WILDCAT	72.0	PEOPLES NATURAL G
8244659	81-581	0500506454		102-2		WILLIAMS T #1	POLLEN	25.0	SUN GAS CO
8244660	81-579	0500506448		102-2		WILLIAMS T #2	POLLEN	0.0	SUN GAS CO
-CARIBOU ENERGY INC				RECEIVED:	07/23/82	JA: CO			
8244661	81-477	0507508886		102-2		LUCKEY #2	WILDCAT	180.0	KANSAS-NEBRASKA N
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	07/23/82	JA: CO			
8244704	81-542	0500107863		103		ABBOTT LANDS 42-1 #1	BASELINE	131.0	
8244705	81-505	0500107814		103		BOX ELDER FARMS 32-23 #1	WILDCAT	150.0	PANHANDLE EASTERN
8244706	81-543	0500107839		103		LAURIDSON 31-13 #1	BASELINE	64.0	
8244708	81-612	0500506481		103		REEVES 31-21 #3	QUILL	23.0	AMOCO PRODUCTION
8244707	81-544	0500506470		103		REEVES 41-21 #2	QUILL	65.0	AMOCO PRODUCTION
-CITIES SERVICE COMPANY				RECEIVED:	07/23/82	JA: CO			
8244722	81-1005	0512109701		107-TF		AUSTIN "A" #1	SPEAR	110.0	NATURAL GAS PIPEL
8244662	81-478	0512109585		102-2		CHRISTIANSON "A" #2	ABARR	36.0	NATURAL GAS PIPEL
8244723	81-830	0512109585		107-TF		CHRISTIANSON "A" #2	ABARR	27.0	NATURAL GAS PIPEL
8244724	81-829	0512109587		107-TF		MATHIES "A" #1	DENOVA	75.0	NATURAL GAS PIPEL
8244725	81-828	0512109466		107-TF		STATE "B" #2	FERAL	18.0	NATURAL GAS PIPEL
-CONTINENTAL GAS TRANSMISSION				RECEIVED:	07/23/82	JA: CO			
8244663	81-565	0500107833		102-4		HUNT 44-34	WILDCAT	120.0	
8244664	82-308	0500106724		102-4		STATE 2-30	WARLOCK	28.0	PANHANDLE EASTERN
-DOME PETROLEUM CORP				RECEIVED:	07/23/82	JA: CO			
8244772	82-325	0506700000		108		LAPLATA #1	IGNACIO BLANCO	10.0	NORTHWEST PIPELIN
8244773	82-326	0506706231		108		LAPOSTA CANYON #3	IGNACIO BLANCO FRUITL	6.7	NORTHWEST PIPELIN
8244774	82-327	0506706291		108		LAPOSTA CANYON #4	IGNACIO BLANCO PC	0.0	NORTHWEST PIPELIN
-E DOYLE HUCKABAY LTD				RECEIVED:	07/23/82	JA: CO			
8244710	81-480	0500506419		103		KOEPKE - HINCH 2-18	WILDCAT	75.0	ECOLOGICAL ENGINE
-EXCEL ENERGY CORP				RECEIVED:	07/23/82	JA: CO			
8244730	81-519	0512310157		107-TF		B GOETZ #1	WATTENBERG	180.0	PANHANDLE EASTERN
8244727	81-517	0512310162		107-TF		FORT ST VRAIN #3	WATTENBERG	180.0	PANHANDLE EASTERN
8244726	81-521	0512310160		107-TF		FT ST VRAIN #1	WATTENBERG	180.0	PANHANDLE EASTERN
8244728	81-518	0512310163		107-TF		FT ST VRAIN #4	WATTENBERG	180.0	PANHANDLE EASTERN
8244729	81-520	0512310164		107-TF		FT ST VRAIN #5	WATTENBERG	180.0	PANHANDLE EASTERN
8244731	81-547	0512310192		107-TF		JEPSEN #1	WATTENBERG	180.0	PANHANDLE EASTERN
-GRIFFIN PETROLEUM CORP				RECEIVED:	07/23/82	JA: CO			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8244665	81-790	0512310385		102-2		BETH #1	UN-NAMED	73.0	CRYSTAL GAS RESOU
8244666	81-343	0512310190		102-2		BETTY STATE #1	HORSE CREEK	54.8	CRYSTAL GAS RESOU
8244667	82-299	0512310578		102-4		BLAINE #1	BANNER LAKES	511.0	CRYSTAL GAS RESOU
8244668	81-840	0512310361		102-2		CINDY #1	WATTENBERG	73.0	CRYSTAL GAS RESOU
8244669	82-184	0512310546		102-4		DOLORES #1	BANNER LAKES	149.7	CRYSTAL GAS RESOU
8244670	81-541	0512310320		102-2		DONNA STATE #1	HORSE CREEK	109.5	CRYSTAL GAS RESOU
8244671	81-889	0512310420		102-4		DORIS #1	BANNER LAKES	365.0	CRYSTAL GAS RESOU
8244672	81-119	0500107750		102-4		FLO #1	FENCE POST	91.3	CRYSTAL GAS RESOU
8244673	81-622	0500107897		102-2		FRANCES #1	BASE LINE	34.7	CRYSTAL GAS RESOU
8244674	80-509	0500106208		102-2		GEAN #1	WILDCAT	146.0	CRYSTAL GAS RESOU
8244675	81-623	0512310338		102-2		GIGI STATE #1	HORSE CREEK	36.5	CRYSTAL GAS RESOU
8244676	81-93	0500107730		102-4		HELEN #1	KRAUTHEAD	54.8	CRYSTAL GAS RESOU
8244677	81-841	0500107983		102-2		JOY #1	BANNER LAKES	109.5	CRYSTAL GAS RESOU
8244678	81-576	0500107874		102-2		JUDY #1	BASE LINE	36.5	CRYSTAL GAS RESOU
8244679	81-675	0500107875		102-2		KELLY #1	BANNER LAKES	54.8	CRYSTAL GAS RESOU
8244680	81-989	0512310393		102-4		LISA #1	WATTENBERG	21.9	CRYSTAL GAS RESOU
8244681	81-824	0512310419		102-2		LORENA #1	BANNER LAKES	292.0	CRYSTAL GAS RESOU
8244682	81-823	0512310409		102-2		LUCY #1	BANNER LAKES	109.5	CRYSTAL GAS RESOU
8244683	81-179	0500107741		102-4		MARY #1-24	FENCE POST	73.0	CRYSTAL GAS RESOU
8244684	82-176	0512310547		102-4		MYRTLE #1	BANNER LAKES	54.8	CRYSTAL GAS RESOU
8244685	81-603	0512310330		102-2		OPAL #1	BANNER LAKES	237.3	CRYSTAL GAS RESOU
8244686	82-1	0512310448		102-4		PATTI #1	BANNER LAKES	54.8	CRYSTAL GAS RESOU
8244687	82-82	0500107996		102-4		PENNY #1	BANNER LAKES	73.0	CRYSTAL GAS RESOU
8244688	81-411	0500107824		102-2		RIKA #1	BASE LINE	292.0	CRYSTAL GAS RESOU
8244689	81-955	0500107997		102-4		TERRI #1	BANNER LAKES	146.0	CRYSTAL GAS RESOU
8244690	81-103	0500107739		102-4		TESS #1	KRAUTHEAD	54.8	CRYSTAL GAS RESOU
8244691	81-479	0500107768		102-2		TINA #1	BASE LINE	73.0	CRYSTAL GAS RESOU
8244692	81-587	0500107803		102-2		TOOTS #1	BANNER LAKES	51.1	CRYSTAL GAS RESOU
8244693	81-822	0500107967		102-2		WANDA #1	BANNER LAKES	219.0	CRYSTAL GAS RESOU
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED:		07/23/82 JA: CO			
8244694	81-534	0512506584		102-2		DICKSON 2-26	DUKE	188.0	
8244711	81-563	0512506501		103		FONTE 1-21	REPUBLICAN	110.0	
8244695	81-693	0512506273		102-2		MONK 1-6	WAVERLY	235.0	
-MACEY & MERSHON OIL INC				RECEIVED:		07/23/82 JA: CO			
8244732	81-504	0500107810		107-TF		CHAPMAN #1	JAMBOREE	34.0	PANHANDLE EASTERN
8244733	81-503	0512310218		107-TF		KAMINSKY #1	WATTENBERG	64.0	PANHANDLE EASTERN
8244734	81-578	0512310183		107-TF		STELLING #1	WATTENBERG	90.0	PANHANDLE EASTERN
-MARSHALL R YOUNG OIL CO				RECEIVED:		07/23/82 JA: CO			
8244700	81-509	0500107837		102-2		NOONEN RANCH #6	ARROYO	6.0	COLORADO INTERSTA
8244701	81-508	0500107836		102-2		NOONEN RANCH #7	ARROYO	6.0	COLORADO INTERSTA
-MARTIN EXPLORATION MGMT CORP				RECEIVED:		07/23/82 JA: CO			
8244712	81-624	0512310349		103		GLENS #6	SPINDLE	24.0	PANHANDLE EASTERN
8244713	81-564	0512310134		103		MCKENNEY-KNAUB #6-5	ARISTOCRAT RANCH	94.0	PANHANDLE EASTERN
-NIELSON ENTERPRISES INC				RECEIVED:		07/23/82 JA: CO			
8244714	81-575	0512309870		103		ANDERSON B-1	SPINDLE	14.0	PANHANDLE EASTERN
8244769	81-274	0512307903		108		GITTLEIN #1	WATTENBERG	21.0	PANHANDLE EASTERN
8244770	82-316	0512308518		108		JACK MILLER GAS UNIT #1	WATTENBERG	21.0	PANHANDLE EASTERN
-NIOBRARA ILLUMINATING GAS ASSOCIATE				RECEIVED:		07/23/82 JA: CO			
8244735	81-553	0512109482		107-TF		AXSOM #4	SPEAR	60.0	NATURAL GAS PIPEL
8244736	81-554	0512109543		107-TF		AXSOM #5	SPEAR	60.0	NATURAL GAS PIPEL
8244737	81-569	0512109661		107-TF		AXSOM #6	SPEAR	60.0	NATURAL GAS PIPEL
8244738	81-555	0512109595		107-TF		PRICE #6	DE NOVA	60.0	NATURAL GAS PIPEL
8244739	81-548	0512109461		107-TF		PRICE-CLAYPOOL #3	DE NOVA	60.0	NATURAL GAS PIPEL

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JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8244740	81-549	0512109462	107-TF	PRICE-CLAYPOOL #4	DE NOVA	60.0	NATURAL GAS PIPEL
8244741	81-550	0512109458	107-TF	PRICE-CLAYPOOL #5	DE NOVA	60.0	NATURAL GAS PIPEL
8244742	81-551	0512109456	107-TF	STATE #1	DE NOVA	60.0	NATURAL GAS PIPEL
8244743	81-552	0512109457	107-TF	STATE #2	DE NOVA	60.0	NATURAL GAS PIPEL
8244744	81-556	0512109594	107-TF	STATE-KOMATZ #1	SPEAR	60.0	NATURAL GAS PIPEL
8244745	81-568	0512109659	107-TF	YOUNG #1-26	SPEAR	60.0	NATURAL GAS PIPEL
-NORTHWEST EXPLORATION COMPANY			RECEIVED: 07/23/82 JA: CO				
8244771	82-314	0504506257	108	CLOUGH 120	RULISON WASATCH	0.0	NORTHWEST PIPELIN
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 07/23/82 JA: CO				
8244696	81-528	0501700000	102-4	MCCORMICK B #1	SORRENTO	0.0	
8244715	81-529	0501700000	103	MCCORMICK C #1	SORRENTO	0.0	
-QUEST OIL CO			RECEIVED: 07/23/82 JA: CO				
8244775	81-473	0512309875	103	AMOCO-EWING #1	SPINDLE	12.0	AMOCO PRODUCTION
8244716	81-658	0512109628	103	SCHINKEL #1	SURVEYOR CREEK STEPOU	55.0	KANSAS-NEBRASKA N
-SAMUEL GARY OIL PRODUCER			RECEIVED: 07/23/82 JA: CO				
8244709	81-471	0500107807	103	STATE 36-16	RADAR	36.0	PANHANDLE EASTERN
-SANDLIN OIL CORP			RECEIVED: 07/23/82 JA: CO				
8244717	81-481	0500100000	103	ANTELOPE FARMS #4	PORTER	70.0	PANHANDLE EASTERN
-STELBAR OIL CORP INC			RECEIVED: 07/23/82 JA: CO				
8244697	81-500	0512109670	102-2	AXSOM #1-19	SPEAR	30.0	NATURAL GAS PIPEL
8244751	81-501	0512109670	107-TF	AXSOM #1-19	SPEAR	30.0	NATURAL GAS PIPEL
8244752	81-460	0512109552	107-TF	AXSOM #1-24	WHITE EAGLE	60.0	NATURAL GAS PIPEL
8244768	81-464	0512109453	107-TF	B YOUNG #1-22	WHITE EAGLE	40.0	NATURAL GAS PIPEL
8244753	81-458	0512109664	107-TF	GREEN #1-6	DE NOVA	50.0	NATURAL GAS PIPEL
8244754	81-457	0512109665	107-TF	GREEN #2-6	DENOVA	30.0	NATURAL GAS PIPEL
8244762	81-462	0512109451	107-TF	JIM PRICE CATTLE COMPANY #1-18	DENOVA	25.0	NATURAL GAS PIPEL
8244763	81-466	0512109452	107-TF	K A THIM #1-23	WHITE EAGLE	50.0	NATURAL GAS PIPEL
8244766	81-468	0512109516	107-TF	K A THIM #3-14	WHITE EAGLE	50.0	NATURAL GAS PIPEL
8244755	81-459	0512109518	107-TF	MAGGARD #1-11	WHITE EAGLE	40.0	NATURAL GAS PIPEL
8244756	81-470	0512109567	107-TF	MAGGARD #2-11	WHITE EAGLE	30.0	NATURAL GAS PIPEL
8244757	81-455	0512509575	107-TF	MATHIES #1-19	DENOVA	60.0	NATURAL GAS PIPEL
8244758	81-456	0512109663	107-TF	PRICE #1-20	DENOVA	30.0	NATURAL GAS PIPEL
8244760	81-461	0512109568	107-TF	PRICE #2-18	DENOVA	35.0	NATURAL GAS PIPEL
8244698	81-498	0512109686	102-2	PRICE #2-20	DENOVA	40.0	NATURAL GAS PIPEL
8244761	81-499	0512109686	107-TF	PRICE #2-20	DENOVA	40.0	NATURAL GAS PIPEL
8244759	81-463	0512109555	107-TF	PRICE #2-7	DENOVA	35.0	NATURAL GAS PIPEL
8244764	81-469	0512109536	107-TF	THIM #2-14X	WHITE EAGLE	30.0	NATURAL GAS PIPEL
8244765	81-465	0512109553	107-TF	THIM #2-23	WHITE EAGLE	40.0	NATURAL GAS PIPEL
8244767	81-467	0512109554	107-TF	THIM #4-14	WHITE EAGLE	30.0	NATURAL GAS PIPEL
-TEXAS OIL & GAS CORP			RECEIVED: 07/23/82 JA: CO				
8244718	81-562	0512310203	103	COLORADO FEDERAL #1	SOONER	138.0	KANSAS - NEBRASKA
8244719	81-561	0512310097	103	ELLIOTT "B" #1	SOONER	146.0	KANSAS - NEBRASKA
-THE SAND HILLS SOCIETY			RECEIVED: 07/23/82 JA: CO				
8244746	81-574	0512109480	107-TF	CHRISTIANSON #1	ABARR	60.0	NATURAL GAS PIPEL
8244748	81-567	0512109668	107-TF	CHRISTIANSON #1-2	ABARR	60.0	NATURAL GAS PIPEL
8244747	81-573	0512109479	107-TF	CHRISTIANSON #2	ABARR	60.0	NATURAL GAS PIPEL
8244749	81-566	0512109669	107-TF	HICKERT #1-33	WILDCAT	60.0	NATURAL GAS PIPEL
8244750	81-572	0512109593	107-TF	PERRY-JEPPESON #1	DAPPER	60.0	NATURAL GAS PIPEL
-VESSELS OIL & GAS CO			RECEIVED: 07/23/82 JA: CO				
8244720	81-527	0512309564	103	A C N O #2	SPINDLE	20.2	PANHANDLE EASTERN
8244699	81-506	0500506466	102-2	FRIEND & MEYER #2		0.0	FAIRWAY GAS PROCE
8244721	81-526	0512309558	103	HANKINS #1	SPINDLE	30.5	PANHANDLE EASTERN

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OKLAHOMA CORPORATION COMMISSION

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-ANDOVER OIL COMPANY RECEIVED: 07/22/82 JA: OK

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8244779	15463	3501721991		103		WIEDEMAN #27-1		180.0	DELHI GAS PIPELIN
-ARCO OIL AND GAS COMPANY				RECEIVED:		07/22/82 JA: OK			
8244787	15425	3510321407		103		KIRCHNER-RITCHEY #1	S E ASP	36.5	
-ARKOMA PRODUCTION CO				RECEIVED:		07/22/82 JA: OK			
8244801	18182	3507720254		102-4		KENT HEIRS "B" #1	WILBURTON	1000.0	ARKANSAS LOUISIAN
-BLAIK OIL COMPANY				RECEIVED:		07/22/82 JA: OK			
8244783	15363	3504700000		103		KIHE-TAYLOR #1-20	SOONER TREND	45.0	PANHANDLE EASTERN
-BOGERT OIL CO				RECEIVED:		07/22/82 JA: OK			
8244789	15196	3507323118		103		JINDRA 1-30	SOONER TREND	120.0	PHILLIPS PETROLEU
-BROWN & BORELLI INC				RECEIVED:		07/22/82 JA: OK			
8244815	14513	3507323212		103		KATHERINE #1	SOONER TREND	40.2	CONOCO INC
-BUNKER EXPLORATION CO				RECEIVED:		07/22/82 JA: OK			
8244806	18183	3501900000		102-4		HENDRICKS #1-1	SPRINGER	520.0	LONE STAR GAS CO
-CAYMAN EXPLORATION CORP				RECEIVED:		07/22/82 JA: OK			
8244790	15447	3507322912		103		VINCENT #2	SOONER TREND	37.6	PHILLIPS PETROLEU
8244794	15445	3507322824		103		WELLS TRUST #1	SOONER TREND	78.0	CITIES SERVICE GA
-COBRA OIL AND GAS CORPORATION				RECEIVED:		07/22/82 JA: OK			
8244816	13917	3505920823		103		KINNEY "8" #1		24.0	INTERNORTH
-COTTON PETROLEUM CORPORATION				RECEIVED:		07/22/82 JA: OK			
8244799	19372	3501521253		107-DP		BUTLER #1	S W VERDEN	0.0	UNITED GAS PIPELI
-DEAN CLARK				RECEIVED:		07/22/82 JA: OK			
8244797	15494	3511123409		103		PATTON #1-9	E OKMULGEE SE NW NE S	90.0	PHILLIPS PETROLEU
-DICKENS DEVELOPMENT JOINT VENTURE				RECEIVED:		07/22/82 JA: OK			
8244809	12659	3503722931		103		DICKENS NORTH #1	PICKETT PRAIRIE	0.0	PHILLIPS PETROLEU
-DOW KEITH OIL & GAS INC				RECEIVED:		07/22/82 JA: OK			
8244788	15468	3503120914		103		BOWMAN 14	BOWMAN	30.0	MANN INDUSTRIES I
8244812	15467	3503120805		103		SHULL #2	SHULL	0.0	MANN INDUSTRIES I
-ENNEX PRODUCTION COMPANY				RECEIVED:		07/22/82 JA: OK			
8244778	15458	3501121573		103		POTTER #1	WATONGA	456.2	
-GLENCO PETROLEUM CORP				RECEIVED:		07/22/82 JA: OK			
8244780	15197	3506321369		103		W H LANKFORD #1	EAST HORNTOWN	908.9	PUBLIC SERVICE CO
-GULF OIL CORPORATION				RECEIVED:		07/22/82 JA: OK			
8244808	18653	3501521138		107-DP		LEON FUERTH #1-23	LAVERTY	350.0	EL PASO NATURAL G
-GULFSTREAM PETROLEUM CORP				RECEIVED:		07/22/82 JA: OK			
8244785	15365	3509321975		103		BROOMFIELD #2-14	UNALLOCATED	142.0	PIONEER GAS PRODU
-JEFFERSON-WILLIAMS ENERGY CORP				RECEIVED:		07/22/82 JA: OK			
8244811	14886	3504722371		103		GEORGE WILLIAMS #1	HUNTER SOUTH	30.0	ARCO OIL & GAS CO
-L O WARD				RECEIVED:		07/22/82 JA: OK			
8244796	15471	3502720492		103		INDIAN HILLS #1	SOUTH MOORE	75.0	SUN GAS CO
-LEE ENERGY EXPLORATION LTD				RECEIVED:		07/22/82 JA: OK			
8244800	19735	3501521106		107-DP		VAN ZANDT #1	NOT AVAILABLE	0.0	EL PASO NATURAL G
-MT VIEW EXPLORATION				RECEIVED:		07/22/82 JA: OK			
8244802	15489	3514722540		103		MCREYNOLDS #1	BARTLESVILLE	0.0	PHILLIPS PETROLEU
8244821	15490	3514722540		103		MCREYNOLDS #2	BARTLESVILLE	0.0	PHILLIPS PETROLEU
-NATOMAS NORTH AMERICA INC				RECEIVED:		07/22/82 JA: OK			
8244813	18103	3502920670		102-2		WILLIAMSON #1-25	RED FORK FORMATION SE	306.0	PRODUCERS GAS CO
-OKLAHOMA CONVEYANCE CORP				RECEIVED:		07/22/82 JA: OK			
8244814	13409	3507121552		108		HAZALEUS #1A	PERMEAN BASIN	4.5	CITIES SERVICE GA
-PEAK EXPLORATION INC				RECEIVED:		07/22/82 JA: OK			
8244820	15459	3504722852		103		ARIADINE "10" #1	N E ENID	1.0	
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		07/22/82 JA: OK			
8244798	17171	3501721149		108		BLACK A #1	YUKON	10.5	PANHANDLE EASTERN
8244819	15462	3501521258		103		E BINGER UNIT #39-2	EAST BINGER	0.0	OKLAHOMA NATURAL

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PROEX ENERGY CORP				RECEIVED:	07/22/82	JA: OK			
8244776	15449	3509322324		103		FAST #1		146.0	DELHI GAS PIPELIN
8244777	15450	3509322325		103		WESNER-HOUK #1		154.8	DELHI GAS PIPELIN
-PXC CORP				RECEIVED:	07/22/82	JA: OK			
8244781	18163	3512920653		102-2		DODSON #1	S W HAMMON	0.0	
-RAMBLER OIL CO				RECEIVED:	07/22/82	JA: OK			
8244791	15432	3504921819		103		KAY #2-17	GOLDEN TREND	0.0	
-RED EAGLE OIL CO				RECEIVED:	07/22/82	JA: OK			
8244804	15492	3509322318		103		SELTENREICH #1	FAIRVIEW	310.0	PHILLIPS PETROLEU
-ROYAL OIL & GAS CORPORATION				RECEIVED:	07/22/82	JA: OK			
8244793	15257	3511921647		103		V R DAWES #2	NORTHEAST PRATT	15.0	ENTERPRISE DEVELO
-SAMSON RESOURCES COMPANY				RECEIVED:	07/22/82	JA: OK			
8244810	13819	3500700000		108-ER		SOUTHERLAND #1		0.0	PANHANDLE EASTERN
-STEVE JERNIGAN INC				RECEIVED:	07/22/82	JA: OK			
8244818	18162	3501700000		102-2		ROYCE BROTHERS #1		0.0	
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	07/22/82	JA: OK			
8244807	18187	3506120449		102-2		DANIEL #1	BROOKEN	1166.0	UNITED GAS PIPELI
-TEXAS OIL & GAS CORP				RECEIVED:	07/22/82	JA: OK			
8244817	15111	3504722159		103		BOLENBAUGH "A" #1	SOONER TREND	190.0	ARKANSAS LOUISIAN
-THE WIL-MC OIL CORP				RECEIVED:	07/22/82	JA: OK			
8244784	15364	3505320792		103		RAPP #2	WAKITA	27.0	EL GRANDE PIPELIN
-TRANSIERRA EXPLORATION CORP				RECEIVED:	07/22/82	JA: OK			
8244803	15466	3510321501		103		ELDON CINNAMON #3	TRANSIERRA-CINNAMON F	25.5	AMINOIL USA INC
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:	07/22/82	JA: OK			
8244792	15367	3507322811		103		MARION 1-23		0.0	PHILLIPS PETROLEU
8244786	15368	3501722189		103		ROBINSON 1-33		0.0	MUSTANG FUEL CORP
-WARREN DRILLING CO INC				RECEIVED:	07/22/82	JA: OK			
8244795	15448	3509322434		103		CHOROSH #1	RINGWOOD	50.0	PHILLIPS PETROLEU
-WESTERN OIL RESOURCES LTD				RECEIVED:	07/22/82	JA: OK			
8244805	15361	3511721015		103		NEJ #1-08	NORTHEAST JERNINGS	2520.0	MID-AMERICA GAS L
8244782	15362	3511721014		103		NEJ 1-15	NORTHEAST JENNINGS	10.8	MID-AMERICA GAS L

** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA

-CHEVRON U S A INC				RECEIVED:	07/26/82	JA: LA 3			
8244822	G1-2493	1770940438		102-5		OCS-G-3148 #4	EUGENE ISLAND	1167.0	SOUTHERN NATURAL
-CONOCO INC				RECEIVED:	07/26/82	JA: LA 3			
8244838	G2-2531	1770340335		102-5		EAST CAMERON 47 J-2	EAST CAMERON	1500.0	TENNESSEE GAS PIP
-MARATHON OIL COMPANY				RECEIVED:	07/26/82	JA: LA 3			
8244837	G2-2521	1770440436		102-5		EAST CAMERON BLOCK 294 WELL A-11A	EAST CAMERON SOUTH AD	776.0	TEXAS EASTERN TRA
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED:	07/26/82	JA: LA 3			
8244827	G2-2561	1771140480		102-5		SHIP SHOAL 64 #1A	SHIP SHOAL	56.0	TRANSCONTINENTAL
8244832	G2-2560	1771140480		102-5		SHIP SHOAL 64 #1B (ALT)	SHIP SHOAL	250.0	TRANSCONTINENTAL
8244825	G2-2559	1771140480		102-5		SHIP SHOAL 64 #1C (ALT)	SHIP SHOAL	112.0	TRANSCONTINENTAL
-SHELL OIL CO				RECEIVED:	07/26/82	JA: LA 3			
8244834	G2-2563	1770640410		102-5		OCS-G 2275 C-2	VERMILION	400.0	TRANSCONTINENTAL
8244824	G2-2564	1770640407		102-5		OCS-G 2275 C-4 S/T	VERMILION	0.0	TRANSCONTINENTAL
-UNION OIL COMPANY OF CALIF				RECEIVED:	07/26/82	JA: LA 3			
8244828	G2-2848	1771040670		102-1		OCS-G 3570 #A-3	EUGENE ISLAND	1150.0	TEXAS GAS TRANSMI
8244823	G2-2838	1770540503		102-1		OCS-G 4787 #1D	VERMILION	1825.0	
-CONOCO INC				RECEIVED:	07/26/82	JA: TX 3			
8244830	G2-2509	4271240029		102-5		MUSTANG ISLAND A-85 A-3	MUSTANG ISLAND	3650.0	TRANSCONTINENTAL
8244836	G2-2511	4271240031		102-5		MUSTANG ISLAND A-85 A-4	MUSTANG ISLAND	6300.0	TRANSCONTINENTAL

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8244835		4271240035		102-5		MUSTANG ISLAND A-85 A-6	MUSTANG ISLAND	4700.0	TRANSCONTINENTAL
8244829	G2-2513	4271240041		102-5		MUSTANG ISLAND A-85 A-8	MUSTANG ISLAND	1900.0	TRANSCONTINENTAL
8244831	G2-2514	4271240047		102-5		MUSTANG ISLAND A-85 A-9	MUSTANG ISLAND	2000.0	TRANSCONTINENTAL
-KERR-MCGEE CORPORATION				RECEIVED:	07/26/82	JA: TX 3			
8244826	G2-2827	4270940722		102-1		OCS-G 3743 #A-4	GALVESTON	737.0	
-MCMORAN OFFSHORE EXPLORATION CO				RECEIVED:	07/26/82	JA: TX 3			
8244833	G2-2849	4270340122		102-1		OCS-G 3932 #A-3	MATAGORDA ISLAND	2921.0	

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 within fifteen days after publication of notice in the T4Federal Register.

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. 82–23125 Filed 8–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Volume 709]

Natural Gas Companies; Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 17, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION									
-CENTURY OIL & GAS CORP				RECEIVED:	07/26/82	JA: MT			
8244981	7-81-128	2507321494		102-2		HABETS 11-1A	WILLIAMS	35.0	MONTANA POWER CO
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	07/26/82	JA: MT			
8244992	8-81-143	2508321425		103		ULLMAN #2	HAY CREEK	0.0	MONTANA DAKOTA UT
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	07/26/82	JA: MT			
8244994	8-81-139	2509121373		102-2		LAGERQUIST FEE 12-14	COMERTOWN	0.0	PHILLIPS PETROLEU
-ENERGY RESERVES GROUP INC				RECEIVED:	07/26/82	JA: MT			
8244993	8-81-144	2510121704		103		R GILLESPIE #2	CUT BANK	125.3	MONTANA POWER CO
-KENNETH LUFF INC				RECEIVED:	07/26/82	JA: MT			
8244995	8-81-140	2508321460		103		ATWOOD-MARTIN #2-1	NORTH SIOUX PASS	73.0	TRUE OIL CO
-ORBIT VENTURES INC				RECEIVED:	07/26/82	JA: MT			
8244989	7-81-129	2509121298		102-2		ANNA HAAVEN #2	DIVIDE	12.3	PHILLIPS PETROLEU
8244988	7-81-130	2509121245		102-2		MORKEN #1	DIVIDE	26.3	PHILLIPS PETROLEU
-RAINBOW RESOURCES INC				RECEIVED:	07/26/82	JA: MT			
8244996	7-81-137	2509921148		102-2		BLACKLEAF CANYON UNIT #1-5	BLACKLEAF PROSPECT	3285.0	
-SOUTHLAND ROYALTY CO				RECEIVED:	07/26/82	JA: MT			
8244990	8-81-141	2508521232		102-2		PAUL WARO 1-27	WILDCAT	34.0	PHILLIPS PETROLEU
-TOPAZ OIL & GAS INC				RECEIVED:	07/26/82	JA: MT			
8244984	7-81-127	2510521176		103		TOPAZ OIL & GAS INC #3 SCHEELE	BOWDOIN	30.0	MONTANA DAKOTA UT
-TRUE OIL COMPANY				RECEIVED:	07/26/82	JA: MT			
8244991	8-81-142	2508521213		102-4		HAGE #44-20	DIAMOND POINT	180.0	PHILLIPS PETROLEU
-WEXPRO COMPANY				RECEIVED:	07/26/82	JA: MT			
8244986	7-81-133	2501021666		103		HURLEY 1-35	NORTH DUNKIRK	50.0	MICHAEL L LETSON
8244983	7-81-135	2510121757		103		POTLACH #1-13	NORTH DUNKIRK	94.0	MICHAEL L LETSON
8244985	7-81-136	2510121662		103		ROGERS #1-3	NORTH DUNKIRK	103.0	MICHAEL L LETSON
8244987	7-81-132	2510121663		103		STATE #1-23	NORTH DUNKIRK	18.0	MICHAEL L LETSON
8244982	7-81-134	2510121664		103		STATE #1-26	NORTH DUNKIRK	15.0	MICHAEL L LETSON
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ABARTA OIL & GAS INC				RECEIVED:	07/26/82	JA: NY			
8244890	3597	3100317157		103		ARTHUR NYE #1	FULMER VALLEY	4.0	NATIONAL FUEL GAS
8244888	3599	3100316656		103		DAVIS ESTATE - NFG FARMOUT	INDEPENDENCE	4.0	NATIONAL FUEL GAS
8244871	3596	3100316966		103		JOSEPH JOYCE LOT #75 #1/2	FULMER VALLEY	4.0	NATIONAL FUEL GAS
8244889	3598	3100316804		103		LOUIS DEAN #1	FULMER VALLEY	4.0	NATIONAL FUEL GAS
-AMERICAN PENN ENERGY INC				RECEIVED:	07/26/82	JA: NY			
8244881	3593	3102915916		103		G CARR #2 (1276)	WILDCAT	10.0	NATIONAL FUEL GAS
-ANGELA P HOPKINS				RECEIVED:	07/26/82	JA: NY			
8244863	3190	3101314649		108		STRAWSER LEASE #4005	LAKESHORE	8.0	NATIONAL FUEL GAS
-ARAPAHO VENTURES OF NEW YORK INC				RECEIVED:	07/26/82	JA: NY			
8244868	3374	3112113891		108		DAVID SHEARING #1	WILDCAT	20.8	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8244864	3381	3112113919		108		FRANK LABIN #1	WILDCAT	4.2	COLUMBIA GAS TRAN
8244866	3379	3112113664		108		GORDON PIERSON #1	WILDCAT	3.0	COLUMBIA GAS TRAN
8244867	3378	3112113713		108		GORDON PIERSON #2	WILDCAT	3.0	COLUMBIA GAS TRAN
8244865	3380	3112113662		108		LESTER WILKIE #1	WILDCAT	5.0	COLUMBIA GAS TRAN
8244869	3373	3112113892		108		LESTER WILKIE #2	WILDCAT	3.3	COLUMBIA GAS TRAN
8244870	3372	3112113915		108		LESTER WILKIE #3	WILDCAT	6.5	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED:	07/26/82	JA: NY			
8244851	3515	3101316871		103		H PERSONS UNIT #3	STEBBINS CORNERS	12.0	COLUMBIA GAS TRAN
8244849	3531	3101316253		103		J W JANSON #2	RIPLEY-MINA	13.0	COLUMBIA GAS TRAN
8244847	3524	3101316344		103		N & J RATER #1	RIPLEY-MINA	9.0	COLUMBIA GAS TRAN
8244848	3528	3101316345		103		N & J RATER #2	RIPLEY-MINA	10.0	COLUMBIA GAS TRAN
8244852	3505	3101316870		103		R BLOOMER UNIT #1	STEBBINS CORNERS	12.0	COLUMBIA GAS TRAN
-CHAUTAUQUA ENERGY INC				RECEIVED:	07/26/82	JA: NY			
8244846	3552	3101314846		103		B THOMAS #1	LAKE PLAIN	12.0	COLUMBIA GAS TRAN
8244841	3542	3101314845		103		D THOMAS #1	LAKE PLAIN	12.0	COLUMBIA GAS TRAN
8244845	3550	3101316892		103		GIBBS #1	LAKE PLAIN	12.0	COLUMBIA GAS TRAN
8244844	3549	3101316586		103		LAUES #1	LAKE PLAIN	12.0	COLUMBIA GAS TRAN
8244843	3548	3101316893		103		MORRIS #1	LAKE PLAIN	12.0	COLUMBIA GAS TRAN
8244842	3540	3101314847		103		O THOMAS #2	LAKE PLAIN	12.0	COLUMBIA GAS TRAN
8244840	3543	3101317046		103		WIESE #1	LAKE PLAIN	12.0	COLUMBIA GAS TRAN
-CLINTON C MEEDER				RECEIVED:	07/26/82	JA: NY			
8244859	3168	3101315049		107-TF		CLINT MEEDER #1-D C C1	LAKESHORE	15.0	NATIONAL FUEL GAS
-CUMBERLAND OIL CORP				RECEIVED:	07/26/82	JA: NY			
8244882	3575	3101316835		103		TINGUE #1	LAKESHORE	20.0	TENNESSEE GAS PIP
-DONALD A LISCHER				RECEIVED:	07/26/82	JA: NY			
8244861		3102915319		108		HOW-DON WELL #1 - 31-029-15319		15.0	NATIONAL FUEL GAS
-ECLIPSE MANAGEMENT ASSOCIATES INC				RECEIVED:	07/26/82	JA: NY			
8244839	2545	3101314343		108		WARNSHINS # 3109	LAKE SHORE	11.0	NATIONAL FUEL GAS
-ENVIROGAS INC				RECEIVED:	07/26/82	JA: NY			
8244880	3169	3101316975		107-TF		A HARRINGTON #1	LAKESHORE	18.0	COLUMBIA GAS TRAN
8244879	3170	3101316976		107-TF		A HARRINGTON #2	LAKESHORE	18.0	COLUMBIA GAS TRAN
8244856	3244	3101317167		107-TF		L HARRINGTON #1A	LAKESHORE	18.0	COLUMBIA GAS TRAN
-GO GAS DRILLING CO				RECEIVED:	07/26/82	JA: NY			
8244853	3281	3101315832		107-TF		SAUNDERS 3173	LAKE SHORE	18.0	NATIONAL FUEL GAS
-J & L OIL & GAS CORP				RECEIVED:	07/26/82	JA: NY			
8244885	3581	3101313958		108		HOLY CROSS #1	LAKESHORE	0.0	NATIONAL FUEL GAS
-KEYSTONE ENERGY OIL & GAS PRODUCTIO				RECEIVED:	07/26/82	JA: NY			
8244878	3617	3100916859		103		BAIRD #3	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
-MAYNARD OIL COMPANY				RECEIVED:	07/26/82	JA: NY			
8244872	3600	3102917246		103		GERNOLD C #1	ORCHARD PARK	0.0	NATIONAL FUEL GAS
8244862	3195	3102916597		103		STEFAN #1	ORCHARD PARK	0.0	NATIONAL FUEL GAS
-OILMARK & CO INC				RECEIVED:	07/26/82	JA: NY			
8244854	3280	3101314774		107-TF		POTTER #1	LAKESHORE	14.0	NATIONAL FUEL GAS
-P & S DRILLING INC				RECEIVED:	07/26/82	JA: NY			
8244858	3145	3100914448		107-TF		CORBETT #1B	SKINNER HOLLOW	8.0	NATIONAL FUEL GAS
8244857	3143	3100913724		107-TF		PANIGUTTI #1A	SKINNER HOLLOW	15.0	NATIONAL FUEL GAS
-ROBERT D CHARLEBOIS				RECEIVED:	07/26/82	JA: NY			
8244874	3601	3101314805		103		WESTFIELD WATERSHED #2	LAKESHORE	30.0	COLUMBIA GAS TRAN
-SUNRISE RESOURCES INC				RECEIVED:	07/26/82	JA: NY			
8244884	3582	3101316942		103		J CURTIS #1	LAKESHORE	20.0	TENNESSEE GAS PIP
8244883	3585	3101316943		103		J CURTIS #2	LAKESHORE	20.0	TENNESSEE GAS PIP
-TIMBERLAY PETROLEUM CO				RECEIVED:	07/26/82	JA: NY			
8244887	3589	3102916952		103		HEINTZ #1	ALDEN-LANCASTER	36.0	TENNESSEE GAS PIP

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8244886	3588	3102916201		103		MEAHL #1	ALDEN-LANCASTER	30.0	TENNESSEE GAS PIP
-US ENERGY DEVELOPMENT CORP				RECEIVED:		07/26/82 JA: NY			
8244860	3167	3101315682		107-TF		EDWARD TERRY #1	GERRY	20.0	COLUMBIA GAS TRAN
8244876	3616	3101315408		103		H OLMSTEAD #2	GERRY	20.0	COLUMBIA GAS TRAN
8244875	3613	3101317035		103		KIGHTLINGER #1	GERRY	20.0	COLUMBIA GAS TRAN
8244873	3615	3101317038		103		P JOHNSON #1	GERRY	20.0	COLUMBIA GAS TRAN
8244877	3614	3101317039		103		P JOHNSON #2	GERRY	20.0	COLUMBIA GAS TRAN
-WHIRPOOL GAS & OIL CO INC				RECEIVED:		07/26/82 JA: NY			
8244850	3537	3101316560		103		HEIMS #2 (CH-81-033)	LAKE SHORE	0.0	COLUMBIA GAS TRAN
8244855	3459	3101316560		107-TF		HEIMS #2 (CH-81-033)	LAKE SHORE	0.0	COLUMBIA GAS TRAN
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-KAISER-FRANCIS OIL COMPANY				RECEIVED:		07/26/82 JA: OK			
8244931	17950	3501121694		103		RUSSWORM #1	WATONGA CHICKASHA TRE	500.0	
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ACKER H E & HALL JH				RECEIVED:		07/22/82 JA: WV			
8244893		4704103020		103		EDMISTON 2-A	HACKERS CREEK	25.0	CONSOLIDATED GAS
-ADKINS DRILLING CO				RECEIVED:		07/22/82 JA: WV			
8244902		4709901606		107-DV		HURSTON ADKINS #93	WOLF PEN	0.0	COLUMBIA GAS TRAN
-ASHLAND EXPLORATION INC				RECEIVED:		07/22/82 JA: WV			
8244920		4708703440		103		ELIZABETH W PERKINS #26 - 091931	NEW FIELD	15.0	CONSOLIDATED GAS
-BEE OIL & GAS COMPANY				RECEIVED:		07/26/82 JA: WV			
8244937		4708505203		103		BEE #2	UNION	0.0	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP				RECEIVED:		07/22/82 JA: WV			
8244897		4700101616		103		SISK #1	PHILIPPI-7.5	40.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED:		07/22/82 JA: WV			
8244924		4703903579		103		C A SHUMAN #1	WASHINGTON	9.0	TENNESSEE GAS PIP
8244923		4707901037		103		HARDY HEIRS B-5	UNION	23.0	TENNESSEE GAS PIP
8244916		4707901058		103		J L MCLEAN A-103	UNION	26.0	TENNESSEE GAS PIP
8244919		4707901058		107-DV		J L MCLEAN A-103	UNION	26.0	TENNESSEE GAS PIP
8244917		4707901062		107-DV		J L MCLEAN A-107	UNION	47.0	TENNESSEE GAS PIP
8244918		4707901071		107-DV		J L MCLEAN A-109	UNION	16.0	TENNESSEE GAS PIP
8244921		4707901071		103		J L MCLEAN A-109	UNION	16.0	TENNESSEE GAS PIP
8244922		4707901057		103		J L MCLEAN A-92	UNION	35.0	TENNESSEE GAS PIP
-CARSON PETROLEUM CORP				RECEIVED:		07/26/82 JA: WV			
8244964		4701702658		108		CARL NICHOLSON #1	LITTLE INDIAN FORK	0.2	COLUMBIA GAS TRAN
8244965		4701702288		108		GRAY #3	FALLEN TIMBER	12.1	CONSOLIDATED GAS
8244966		4702103631		108		JAMES #1	BIG ELLIS	14.9	CONSOLIDATED GAS
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:		07/22/82 JA: WV			
8244925		4703903622		103		DAVID WARD ESTATE 820512	WEST VIRGINIA FIELD A	105.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:		07/22/82 JA: WV			
8244928		4704700700		108		CONSOLIDATED COAL 766 #12096	ELKHORN DISTRICT	0.6	GENERAL SYSTEM PU
8244929		4708100806		108		MARLAND KETCHEM 12173	PHILIPPI DISTRICT	0.6	GENERAL SYSTEM PU
8244930		4700100686		108		W C STALNAKER 11856	PLEASANTS DISTRICT	0.6	GENERAL SYSTEM PU
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:		07/26/82 JA: WV			
8244948		4700100659		108		SOUTHWESTERN & MEMPHIS 11652	PHILIPPI DISTRICT	12.5	GENERAL SYSTEM PU
-D C MALCOLM INC				RECEIVED:		07/22/82 JA: WV			
8244914		4706700580		103		BERT WRISTON #1	TWENTY MILE CREEK	36.0	CABOT CORP
-DORAN & ASSOCIATES INC				RECEIVED:		07/22/82 JA: WV			
8244895		4703322638		103		MARGARET CREWS #1 KJ-27	CLAY DISTRICT	30.0	CONSOLIDATED GAS

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-EARL C BEVINS				RECEIVED:	07/22/82	JA: WV			
8244901		4709901567		108		EVANS #1	CEREDO	18.0	INLAND GAS CO
-FERRELL L PRIOR				RECEIVED:	07/26/82	JA: WV			
8244968		4707301034		107-DV		INGRAM #1	SHULTZ	0.0	CONSOLIDATED GAS
-FMF OIL & GAS PROPERTIES				RECEIVED:	07/26/82	JA: WV			
8244958		4708300327		103		KING #1C	ROARING CREEK DISTRIC	122.0	COLUMBIA GAS TRAN
8244946		4708300414		102-4		PROUDFOOT #1	ROARING CREEK DISTRIC	50.0	COLUMBIA GAS TRAN
-FOX DRILLING CO INC				RECEIVED:	07/22/82	JA: WV			
8244910		4700101219		107-DV		D WILLSON #1	BELINGTON	40.0	COLUMBIA GAS TRAN
8244909		4700101566		107-DV		GRIBBLE #1	BELINGTON	15.0	
8244906		4700101569		107-DV		GRIBBLE #2	BELINGTON	15.0	
8244911		4700101266		107-DV		H POLING #2	BELINGTON	30.0	COLUMBIA GAS TRAN
8244915		4700101535		107-DV		HEATHERLY #1	BELINGTON	25.0	
8244907		4700101540		107-DV		MCCAULEY #1-A	BELINGTON	15.0	
8244905		4700101530		107-DV		MCLEAN #1	BELINGTON	15.0	
8244908		4700101531		107-DV		MCLEAN #2	BELINGTON	15.0	
8244904		4700101383		107-DV		PORTERFIELD #1	BELINGTON	20.0	
8244903		4700101475		107-DV		WARE #1	BELINGTON	15.0	
-FRANKLIN ADKINS				RECEIVED:	07/26/82	JA: WV			
8244967		4704321625		107-DV		MESSENGER #2	SHERIDAN DISTRICT	6.4	COLUMBIA GAS TRAN
-GRACE PETROLEUM CORPORATION				RECEIVED:	07/22/82	JA: WV			
8244900		4702122204		108		RUBY PEARL SNYDER #1		0.0	COLUMBIA GAS TRAN
-GRUBSTAKE PRODUCTION CO				RECEIVED:	07/26/82	JA: WV			
8244970		4703903779		107-DV		GARDNER #1 47-039-3779	ELK TWO MILE	36.0	COLUMBIA GAS TRAN
8244969		4703903775		107-DV		GARDNER #2	ELK TWO MILE	21.6	COLUMBIA GAS TRAN
-GULF OIL CORPORATION				RECEIVED:	07/26/82	JA: WV			
8244957		4701329920		108		DESPARD HEIRS #4	HENRIETTA DE	2.0	CONSOLIDATED GAS
-I M FARNSWORTH				RECEIVED:	07/22/82	JA: WV			
8244891		4701701746		103		RUBY DAVIS #1	GREENBRIER DISTRICT	0.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED:	07/26/82	JA: WV			
8244972		4700101411		103		B-325	BARKER	0.0	CONSOLIDATED GAS
8244976		4703302527		103		B-362	CLAY	0.0	CONSOLIDATED GAS
8244975		4703302508		103		B-364	CLAY	0.0	CONSOLIDATED GAS
8244977		4703302593		103		B-378	CLAY	0.0	CONSOLIDATED GAS
8244973		4700101498		103		B-389	PLEASANT	0.0	CONSOLIDATED GAS
8244978		4703302553		103		B-419	CLAY	0.0	CONSOLIDATED GAS
8244974		4700101549		103		B-426	PHILIPPI	0.0	CONSOLIDATED GAS
8244979		4703302605		103		B-427	SARDIS	0.0	CONSOLIDATED GAS
8244980		4703302615		103		B-439	TENMILE	0.0	CONSOLIDATED GAS
8244971		4701702527		107-DV		J-135	NEW MILTON	0.0	COLUMBIA GAS TRAN
8244963		4701702960		107-DV		J-422	WEST UNION	0.0	COLUMBIA GAS TRAN
-JAMES F SCOTT				RECEIVED:	07/22/82	JA: WV			
8244927		4701900470		107-DV		ANGELA-NICASTRO #1	KANAWHA	31.0	ROARING FORK GAS
8244926		4704102529		108		I P SIMMONS S-261	FREEMAN'S CREEK	28.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	07/26/82	JA: WV			
8244939		4703302617		103		R L BARNES S-325	COAL	20.0	CONSOLIDATED GAS
-JIM EMES PETROLEUM CO				RECEIVED:	07/26/82	JA: WV			
8244934		4709500752		108		CLAIR STARKEY #5		1.5	CONSOLIDATED GAS
8244935		4709500781		108		WILLIAM K JOHNSON #1		3.0	CONSOLIDATED GAS
-JOHNSON EXPLORATION CO				RECEIVED:	07/22/82	JA: WV			
8244896		4704103140		103		S STUTLER #1-J	FREEMANS CREEK	0.0	CONSOLIDATED GAS
-K CRIHFIELD & D MOORE				RECEIVED:	07/26/82	JA: WV			
8244959		4708505001		108		ZINN #11	SPRUCE CREEK	6.0	CARNEGIE NATURAL

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-KAISER ENERGY INC				RECEIVED:	07/22/82	JA: WV			
8244913		4703501612		107-DV		C E KESSEL KEM #132	ELK/POCA	29.2	ROARING FORK GAS
-MAGNUM OIL CORP				RECEIVED:	07/26/82	JA: WV			
8244936		4708504738		108		J MCCULLOUGH #1	CLAY DISTRICT	9.0	CONSOLIDATED GAS
-MERRILL NATURAL RESOURCES INC				RECEIVED:	07/22/82	JA: WV			
8244894		4704103132		103		LOUIS BENNETT #1	COURTHOUSE DISTRICT	30.0	CONSOLIDATED GAS
-MOSSER OIL & GAS CO				RECEIVED:	07/26/82	JA: WV			
8244938		4708505173		103		MOSSER #2	MURPHY	0.0	CONSOLIDATED GAS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	07/26/82	JA: WV			
8244960		4707700127		108		JASPER B #1	SOUTH BURNS CHAPEL	15.2	CONSOLIDATED GAS
-PRIOR OIL CO				RECEIVED:	07/26/82	JA: WV			
8244961		4708504768		108		SUMMERS #1	UNION DISTRICT	0.0	CONSOLIDATED GAS
-ROSS-WHARTON GAS CO				RECEIVED:	07/22/82	JA: WV			
8244899		4708300518		103		BRENNAN HEIRS #2	ELLAMORE	30.0	COLUMBIA GAS TRAN
-STERLING DRILLING & PROD CO INC				RECEIVED:	07/22/82	JA: WV			
8244912		4701501796		108		ALOI 31 SDP #266	BUFFALO DISTRICT	3.0	EQUITABLE GAS CO
-STERLING DRILLING & PROD CO INC				RECEIVED:	07/26/82	JA: WV			
8244956		4708703361		108		BRANNON #158	GEARY DISTRICT	1.8	COLUMBIA GAS TRAN
8244952		4708703329		108		FAIR #151 SDP #151	GEARY DISTRICT	2.1	COLUMBIA GAS TRAN
8244941		4701501671		108		LITTON #189 (STAHLMAN) SDP #189	BUFFALO DISTRICT	7.1	EQUITABLE GAS COM
8244933		4708703221		108		MCCLAIN #162 SDP #162	GEARY DISTRICT	18.0	REQUESTED FROM CO
8244953		4708703351		108		O'DELL #348 SDP #348	GEARY DISTRICT	2.8	COLUMBIA GAS TRAN
8244932		4701302973		108		SMITH #115 SDP #115	WASHINGTON DISTRICT	7.0	CONSOLIDATED GAS
8244942		4701501672		108		STAHLMAN #190 SDP #190	BUFFALO DISTRICT	0.4	EQUITABLE GAS CO
8244940		4700701470		108		STALNAKER #242 SDP #242	BIRCH DISTRICT	2.1	EQUITABLE GAS CO
8244944		4708703217		108		STUMP #134 SDP #134	GEARY DISTRICT	3.7	COLUMBIA GAS TRAN
8244945		4708703218		108		STUMP #135	GEARY DISTRICT	3.2	COLUMBIA GAS TRAN
8244954		4708703352		108		STUMP #349 SDP #349	GEARY DISTRICT	3.1	COLUMBIA GAS TRAN
8244955		4708703353		108		STUMP #350 SDP #350	GEARY DISTRICT	3.1	COLUMBIA GAS TRAN
8244949		4708703325		108		SWIGER #145 SDP #145	GEARY DISTRICT	2.8	COLUMBIA GAS TRAN
8244950		4708703326		108		SWIGER #146 SDP #146	GEARY DISTRICT	4.0	COLUMBIA GAS TRAN
8244943		4708703203		108		SWIGER #147 SDP #147	GEARY DISTRICT	0.2	COLUMBIA GAS TRAN
8244951		4708703327		108		SWIGER 148 SDP #148	GEARY DISTRICT	3.3	COLUMBIA GAS TRAN
-TEXAS INTERNATIONAL PET CORP				RECEIVED:	07/22/82	JA: WV			
8244892		4704700733		108		POCAHONTAS LAND CORP A-39	NORTH FORK	18.0	CONSOLIDATED GAS
-TEXAS INTERNATIONAL PET CORP				RECEIVED:	07/26/82	JA: WV			
8244947		4706700545		102-4		J M TULLY #2	PETERS CREEK	18.0	EQUITABLE GAS CO
-W S GAS & OIL ASSOCIATES				RECEIVED:	07/26/82	JA: WV			
8244962		4708504238		108		HATFIELD #2 (H-726)	GRANT DISTRICT	4.5	CONSOLIDATED GAS
-WINDFALL PETROLEUM CORP				RECEIVED:	07/22/82	JA: WV			
8244898		4704302535		107-DV-DV		C SKEENS #1 47-043-2535	HAMLIN	13.6	COLUMBIA GAS TRAN

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23126 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-C

[Docket No. CI81-507-001]

Amoco Production Co.; Petition To Amend Certificate of Public Convenience and Necessity

August 17, 1982.

Take notice that on May 14, 1982, Amoco Production Company (Amoco) of P.O. Box 50879, New Orleans 70150, filed a petition to the Commission for an order amending the certificate of public convenience and necessity issued April 2, 1982, in Docket No. CI81-507-000. In support of this petition, Amoco respectfully states as follows:

On September 24, 1981, Amoco filed an application in Docket No. CI81-507-000 for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline and related compression in Baldwin County, Alabama. The facilities were to be utilized to deliver gas in satisfaction of Amoco's warranty contract with Florida Power and Light Company. By order issued April 2, 1982, the requested authorization was granted.

Amoco also would like to have the flexibility to use gas from Baldwin County for either of its warranty contracts. At the time Amoco initially applied for a certificate, regulatory constraints made it impossible for Amoco to use gas from Alabama sources for Amoco's warranty contract with Florida Gas Transmission Company (FGT), currently on file as Amoco Gas Rate Schedule No. 439. Therefore, Amoco requested authority to operate the proposed pipeline to make deliveries to Florida Power and Light Company. By order issued January 11, 1982 in Docket No. CI65-584, the Commission acted to remove supply source limitations on gas delivered to the FGT warranty. Thus for the first time gas produced in Alabama could be supplied to Amoco's warranty with FGT. While Amoco still anticipates delivering gas from Baldwin County primarily to Florida Power and Light Company, Amoco now requests approval to operate the Foley pipeline to deliver gas to either of its warranty contracts.

In consideration of the foregoing, Amoco requests that the certificate previously issued be amended as set forth above.

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 26, 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 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.

[FR Doc. 82-23088 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3044-001]

Arkansas Electric Cooperative Corporation and the Arkansas Valley Electric Cooperative Corporation; Application for License (Over 5 MW)

August 18, 1982.

Take notice that the Arkansas Electric Cooperative Corporation and the Arkansas Valley Electric Cooperative Corporation (Applicant) filed on March 4, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. § 791(a)-825(r)) for construction and operation of a water power project to be known as the Lock & Dam No. 9 Project No. 3044. The project would be located on the Arkansas River near Morrilton in Conway County, Arkansas. Correspondence with the Applicant should be directed to: Joe R. Moody, Jr., P.E., Benham-Holway Power Group, 5300 South Yale Avenue, Tulsa, Oklahoma 74135.

Project Description—The proposed project would utilize the existing Lock & Dam No. 9 and the resulting pool under the jurisdiction of the Corps of Engineers and would consist of: (1) A new reinforced concrete powerhouse, 210 feet wide by 200 feet long, located on the north bank of the river across from the dam and containing four 10.6-MW turbine/generator units operating under a maximum power head of 18.5 feet; (2) new headrace and tailrace channels; (3) a new 161-kV transmission line one-half mile long; and (4) appurtenant mechanical and electrical facilities and equipment. This license application was filed during the term of the Applicant's preliminary permit for Project No. 3044.

Purpose of Project—The average annual generation of 130 million kWh would be utilized by the Arkansas Electric Cooperative Corporation.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1982, either the competing application itself (see 18 CFR 4.33(a) and (d)) or a notice of intent (see 18 CFR 4.33(b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 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. 82-23086 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3033-001]

Arkansas Electric Cooperative Corp. et al.; Application for License (Over 5 MW)

August 18, 1982.

Take notice that the Arkansas Electric Cooperative Corporation, C&L Electric Cooperative, Inc. and Riceland Electric Cooperative, Inc. (Applicant) filed on April 20, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for construction and operation of a water power project to be known as the Dam No. 2 Project No. 3033. The project would be located on the Arkansas River in Desha and Arkansas Counties in Arkansas. Correspondence with the Applicant should be directed to: Joe R. Moody, Jr., P.E., Benham—Holway Power Group, 5300 South Yale Avenue, Tulsa, Oklahoma 74135.

Project Description—The proposed project would utilize the existing Dam No. 2 and the resulting pool under the jurisdiction of the Corps of Engineers and would consist of: (1) A new reinforced concrete powerhouse, 190 feet wide by 250 feet long, located 500 feet downstream from the dam and containing three new horizontal shaft 40.0-MW turbine/generator units operating under a maximum power head of 44.5 feet; (2) new headrace and tailrace channels; (3) a new 230-kV transmission line 11.5 miles long; and (4) appurtenant mechanical and electrical facilities and equipment. This license application was filed during the term of the Applicant's preliminary permit for Project No. 3033.

Purpose of Project—The annual average generation of 340 million kWh will be sold by the Arkansas Electric Cooperative Corporation.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 29, 1982, either the competing application itself (see 18 CFR 4.33 (a) and (d)) or a notice of intent (see 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23087 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5234-000]

County of Calaveras; Application for Preliminary Permit

August 17, 1982.

Take notice that County of Calaveras (Applicant) filed on August 14, 1981, and amended 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. 5234 to be known as the Upper Mokelumne River Project (Railroad Flat Dam Site) located on the South and Middle Forks of Mokelumne River in Calaveras County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis Dickman, Project Manager, Government Center, 891 Mountain Ranch Road, San Andreas, California 95249.

Project Description—The proposed project would consist mainly of: (1) The Railroad Flat Dam, a new 350-foot-high, 1,400-foot-long structure creating a reservoir with a maximum capacity of 84,000 acre-feet at pool elevation 2,460 feet; (2) a 35,000-foot-long, 12-foot-diameter water tunnel; (3) a 3,500-foot-long penstock with a diameter varying between five and six feet; (4) a powerhouse with a proposed installed capacity of 15 MW; and (5) an approximately 2-mile-long of 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. No new roads would be required to conduct the studies. Some ground disturbing activities, including field tests and borings may be undertaken during the term of the permit.

Competing Applications—This application was filed as a competing application to the East Bay Municipal Utility District's application for Project No. 4414 filed on March 25, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application,

must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 22, 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. 82-23101 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-127-004, et al.]

Cities Service Gas Company, et al.; Filing of Pipeline Refund Reports and Refund Plans

August 17, 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, N.E., Washington, D.C. 20426, on or before August 26, 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
July 29, 1982	Cities Service Gas Company	RP81-127-004	LFUT report.
July 29, 1982	Eastern Shore Natural Gas Company	RP72-134-027	Report.
July 30, 1982	Florida Gas Transmission Company	RP81-124-004	LFUT report.
Aug. 2, 1982	Consolidated Gas Supply Corporation	RP72-157-058	Report.
Aug. 2, 1982	Consolidated Gas Supply Corporation	AR61-2-015	Report.
Aug. 3, 1982	Midwestern Gas Transmission Company	RP80-23-012	Report.
Aug. 6, 1982	Columbia Gas Transmission Corporation	RP78-20-019	Report.
Aug. 6, 1982	Michigan Wisconsin Pipe Line Company	RP80-100-006	Report.
Aug. 10, 1982	National Fuel Gas Supply Corporation	RP80-135-021	Report.

[FR Doc. 82-23089 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6543-000]

Clear Springs Trout Co.; Application for Exemption of Small Conduit Hydroelectric Facility

August 17, 1982.

Take notice that on July 19, 1982, Clear Springs Trout Company (Applicant) filed an application, under Section 30 of the Federal Power Act (Act) (16 U.S.C. Section 823(a)), for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Box Canyon Hydroelectric Project (FERC Project No. 6543) would be located on the Applicant's trout hatchery in which the flume receives water from the Box Canyon Creek approximately 10 miles northwest of Buhl (the project water will discharge directly into the head canal of the trout farm) in Twin Falls County, Idaho. Correspondence with the Applicant should be directed to: Mr. Larry W. Cope, President, Clear Springs Trout Company, P.O. Box 712, Buhl, Idaho 83316 and Mr. Marc A. Auth, J-U-B Engineers, Inc., Industrial Division, 250 South Beechwood Avenue, Boise, Idaho 83709.

Project Description—The proposed project would consist of: (1) An existing inlet structure; (2) a 1,900-foot-long, 48-inch-diameter penstock; (3) a 25-foot-long, 15.3-foot-high powerhouse to contain three generating units with a total rated capacity of 546 kW, operating under a head of 26.5 feet to be located on the west side of the Snake River at the hatchery; (4) a tailrace to discharge directly into the head canal of the trout farm; and (5) a 34.5-kV transmission line extending from the powerhouse 2.5 miles to an existing line. The estimated average annual energy output is 4,504,500 kWh.

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 30 of the Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or 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 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 45 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.

Comments, Protests, or Petitions to intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its 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 8, 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, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any 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. 82-23106 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-451-000]

Colorado Interstate Gas Co., Application

August 16, 1982.

Take notice that on July 30, 1982, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP 82-451-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain miscellaneous facilities used and associated services rendered in connection with gas transmission, purchases, and sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to abandon the following facilities:

1. South Big Coulee Lateral, Stillwater County, Montana, and associated sales and exchange service with Montana-Dakota Utilities Company.

2. Singletree Lateral and Check Meter Station, Weld County, Colorado.

3. Compressors Unit Nos. 1, 2, and 3 at the Elk Basin Plant, Park County, Wyoming, that were under lease to applicant from Amoco Production Company.

4. Gas Purchase Facilities—C.O.G. State #1-16 Well, Sweetwater County, Wyoming.

5. Gas purchase facilities—Brickley #29-4-20 Well, Stillwater County, Montana.

6. Gas purchase facilities—North Baxter Basin (Prenalta) Well #13-24-20-104, Sweetwater County, Wyoming.

Applicant states that the facilities proposed to be abandoned are no longer in service and that in the foreseeable future there is no practical use for the facilities. Applicant further states that there would be no effect on service to any of applicant's customers, and that by abandoning and salvaging the facilities, applicant can make use of the salvaged materials elsewhere on its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23073 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6549-000]

Conway Ranch Partnership; Application for Preliminary Permit

August 18, 1982.

Take notice that Conway Ranch Partnership (Applicant) filed on July 21, 1982, an application for Preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6549 to be known as the Conway Virginia Creek Power Project located on Virginia Creek, and land managed by Bureau of Land Management in Mono County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David Holzman, P.O. Box 664, June Lake, California 93529.

Project Description—The proposed project would consist of: (1) A 3-foot-high, 6-long existing diversion structure; (2) a 10,000-foot-long, 36-inch-diamenter penstock to be placed in an existing ditch; (3) a powerhouse to contain a single generating unit with a rated capacity of 675 kW, operating under a head of 1,350 feet; (4) a tailrace; and (5) a transmission line to tie into an existing line. The estimated average annual energy output is 5.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seek issuance of a preliminary permit for a period of 18 months during which the applicant would conduct engineering, environmental and economic feasibility studies and prepare an application for an FERC license. No new roads will be constructed to carry out these studies. The estimated cost for carrying out these studies and preparing an application for an FERC license is $72,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 29, 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 9, 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 9, 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. 82-23090 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3673-001]

Dam Two Development, Ltd.; Surrender of Preliminary Permit

August 17, 1982.

Take notice that Dam Two Development, Ltd., Permittee for the Green River Lock and Dam No. 2 has requested that its preliminary permit be terminated. The preliminary permit for Project No. 3673 was issued on June 19, 1981, and would have expired on June 19, 1983. The project would have been located on the Green River in McLean County, Kentucky.

Dam Two Development, Ltd. stated that its preliminary feasibility studies indicate that the project is not economically feasible because of a very low head and relatively low power rates available in the project area.

Dam Two Development, Ltd. filed the request for Project No. 3673 on July 6, 1982, and the surrender of Project No. 3673 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23076 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5971-000]

East Coast Engineering; Application for License (5 MW or Less)

August 17, 1982.

Take notice that East Coast Engineering (Applicant) filed on February 11, 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 Gonic Sawmill Dam Project No. 5971. The project would be located on the Cocheco River in Strafford County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. James M. Rea, East Coast Engineering, P.O. Box 25, Barrington, New Hampshire 03825.

Project Description—The proposed project would consist of two hydroelectric developments as follows:

Gonic Dam (Upper Site)

(1) An existing concrete gravity structure, 15.5 feet high and 155 feet long; (2) a reservoir having a surface area of 18 acres, a storage capacity of 60 acre-feet, and a normal water surface elevation of 169.6 feet msl; (3) a new intake structure; (4) a new powerhouse having 1 unit with a generating capacity of 173-kW; (5) a new 34.5-kV transmission line 250 feet long; and (6) appurtenant facilities. The Applicant estimates the average annual energy would be 800,000 kWh. The existing facilities are owned by the Gonic Realty Company.

Gonic Sawmill Dam (Lower Site)

(1) An existing concrete gravity structure 25 feet high and 80 feet long; (2) a reservoir having a surface area of 3.4 acres, a storage capacity of 27 acre-feet, and a normal water surface elevation of 142 feet msl; (3) a new headgate; (4) a new 6-foot diameter penstock, 144 feet long; (5) a new powerhouse having 1 unit with a generating capacity of 317-kW; (6) the restoration of the existing tailrace; (7) a new 34.5-kV transmission line 1,000 feet long; and (8) appurtenant facilities. The Applicant estimates the average annual energy production would be 1,500,000 kWh. The existing facilities are owned by Gonic Realty Company.

The Applicant estimates the total project cost would be $500,000.

Purpose of Project—All project energy would be sold to the Public Service Company of New Hampshire.

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 license application was filed as a competing application to the preliminary permit application for the Gonic Dam Project No. 4567-000 filed by John N. Webster on April 20, 1981. Public notice of the filing of that application, which has already been given, established the due date for filing competing applications for permit or exemption, or notices of intent. An application for exemption submitted by Potter Instrument Company, Inc. for Project No. 5956-000 on February 9, 1982, which preceded the subject license application, was also filed as a competing application to the John N. Webster permit application. *Pursuant to Georgia Pacific Corporation, et al.,* Project Nos. 3892, *et al.,* (17 FERC ¶ 61,174 (1981)), this license application will be treated as an "initial application" under 4.33 of the Commission's regulations. Therefore, as provided by 4.104(c) of the regulations, other competing license applications, or notices of intent to submit such applications, which propose to develop at least 7.5 megawatts at this project

site, may be filed not later than October 25, 1982. Submission of a timely notice of intent allows an interested person to file a 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.

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. 82-23077 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5998-000]

City of Emporia, Virginia; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 17, 1982.

Take notice that on February 16, 1982, the City of Emporia, Virginia 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. 5998 would be located on the Meherrin River in Greensville County, Virginia. Correspondence with the Applicant should be directed to: Mr. Robert K. McCord, Director of Projects, City of Emporia, Municipal Building, 201 South Main Street, Emporia, Virginia 23847.

Project Description—The proposed project would consist of: (1) An existing concrete gravity dam, approximately 42.5 feet high and 715 feet long; (2) an existing concrete powerhouse constructed in 1908, from which the original generating facilities have been removed, and the re-installation of two 1,250 kW generating units is proposed; and (3) appurtenant facilities.

Purpose of Project—The power produced would be delivered to local electrical utilities, or to adjacent industrial plants.

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, North Carolina Wildlife Resources Commission, and the Virginia Commission of Game and Island Fisheries 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 tems 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 note 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, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23075 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6547-000]

Energenics Systems, Inc.; Application for Preliminary Permit

August 17, 1982.

Take notice that ENERGENICS SYSTEMS, INC. (Applicant) filed on July 20, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6547 to be known as the Wynoochee Dam Hydroelectric Project located at the U.S. Army Corps of Engineers Wynoochee Dam on Wynoochee River in Grays Harbor County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Granville J. Smith, II, President, Energenics Systems, Inc., 1717 K Street, N.W., Washington, D.C. 20006.

Project Description—The proposed project would consist of a powerhouse, located adjacent to the existing outlets in the concrete gravity section of the Wynoochee Dam, containing a single generating unit with a rated capacity of 5,670 kW and appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month-permit to prepare a definitive project report including preliminary designs, results of environmental and economical feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Corps and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $45,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 16, 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. 82-23103 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6066-001]

Eveready Machinery Company, Inc., and McCallum Enterprises, Inc.; Application for License (over 5 MW)

August 17, 1982.

Take notice that Eveready Machinery Company, Inc., and McCallum Enterprises, Inc. (Applicant) filed on May 21, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction and operation of a water power project to be known as the Derby Project No. 6066. The project would be located on the Housatonic River in Derby and Shelton, Fairfield and New Haven Counties, Connecticut. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: E. J. McCallum, Jr., Eveready Machinery Company, 805 Housatonic Avenue, P.O. Box 1780, Bridgeport, Connecticut 06601–1780.

Project Description—The proposed project would consist of: (1) An existing 23.7-foot-high, 675-foot-long dam made of concrete capped cut stone with 1.5-foot-high flashboards; (2) an existing 400-foot-long earth dike with a maximum height of 10 feet, located at the east abutment oriented in a northwest-southeast direction; (3) an existing reservoir with a normal maximum water surface elevation of 25.2 feet (NGVD) with a usable storage capacity of 500 acre-feet; (4) an existing gatehouse and 2,200-foot-long 80-foot-wide canal extending downstream from the dam and parallel to the west bank of the river; (5) an existing gatehouse and 2,135-foot-long, 40-foot-wide canal paralleling the east bank of the river; (6) an existing navigation lock also located at the west abutment which constitutes the first 70 feet of the west canal; (7) a new powerhouse to be constructed at the west abutment, in the existing canal and lock structure, and located approximately 100 feet downstream of the existing gatehouse, containing 3 turbine-generators with a total rated capacity of 4.5 MW; (8) a new 200-foot-long tailrace channel; (9) a new 725-foot-long, 4.16-kV underwater transmission line crossing to an existing substation owned by United Illuminating Company; (10) an existing powerhouse, located at the end of the east canal to be rehabilitated to contain two new or reconditioned turbine generators with a total rated capacity of 1.0 MW; and (11) appurtenant facilities. The project would generate up to 23,200,000 kWh annually. The existing project facilities are owned by subsidiaries of Northeast Utilities Service Company. Energy produced at the project would be sold to Connecticut Light and Power Company. A 2-foot-diameter, 300-foot-long pipe will be constructed to provide water to the west canal below the new powerhouse.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 25, 1982, either the competing application itself (see 18 CFR

4.33 (a) and (d)) or a notice of intent (see 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before 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. 82-23102 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3511-002]

David Goodman & George R. Oliger; Application for Transfer of Minor License

August 17, 1982.

Public notice is hereby given that an application was filed on July 20, 1982, under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r), by David Goodman & George R. Oliger, Licensee, and UAH-Groveville Hydro Associates, Transferee, for transfer of Minor license for the Groveville Power Project No. 3511. The project is located on Fishkill Creek, a tributary of the Hudson River, in Dutchess County, New York. Correspondence should be directed to: David Goodman, United American Hydropower Corp., 80 Eighth Avenue, Room 711, New York, NY 10011.

The said transferee is a Limited Partnership, comprised of the United American Hydropower Group and David Goodman, organized under the laws of the State of New York; and agreement which has been submitted to and recorded by the State of New York. The transferee submits that it will comply with all applicable laws of the State of New York as regulated by Section 9(b) of the Federal Power Act.

Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriation to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearings, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, petition to intervene must be received on or before October 7, 1982. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23074 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-375-002]

Gulf States Utilities Co.; Compliance Filing

August 16, 1982.

The filing Company submits the following:

Take notice that on August 9, 1982, Gulf States Utilities Company filed revised rate schedules pursuant to the Commission's order issued on July 9, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before September 1, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23115 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-179-000]

Hetch Hetchy Water and Power; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

August 17, 1982.

On July 19, 1982, Hetch Hetchy Water and Power Dept. of the City and County of San Francisco, 693 Vermont St., San Francisco, California 94107, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to $292.207 of the Commission's rules.

The hydroelectric small power production facility will be located near the base of the dam on the Calaveras Reservoir located in Alameda and Santa Clara Counties, California. The hydro facility will generate electric power when water is withdrawn from the reservoir. Electric power production capacity will be approximately 1 megawatt. No other hydroelectric small power production facility is located within one mile of the facility. Hetch Hetchy water and Power is an agency of the City and County of San Francisco. Hetch Hetchy Water and Power contends that the entity owning the facility will be the City and County of San Francisco, and that the ownership test is met because total sales of electric power by Hetch Hetchy water and Power represents only 3 percent of total revenues of the City and County.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordnace with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed by September 23, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23091 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6560-000]

Idaho Hydro, Inc.; Application for Preliminary Permit

August 18, 1982.

Take notice that Idaho Hydro, Inc. (Applicant) filed on July 30, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 6560 to be known as the Floodwood Hydroelectric Project located on Little North Fork of Clearwater River in Clearwater County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Archie R. Ford, President, Idaho Hydro, Inc., 2150 E. Michigan Ave., Orofino, Idaho 83544, and Mr. Roger H. Tutty, Vice-President, Idaho Hydro, Inc., 2150 E. Michigan Ave., Orofino, Idaho 83544.

Project Description—The proposed project would consist of: (1) A 6-foot-high diversion structure; (2) an intake structure; (3) a 23,000-foot-long trapezoidal flume; (4) three 48-inch-diameter, 405-foot-long penstocks; (5) a powerhouse to contain three generating units with a combined rated capacity of 23,000 kW, operating under a head of 405 feet; and (6) a 115-kV transmission line extending 19 miles from the powerhouse to an existing line. The estimated average annual energy output is 89 million kWh.

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 36 months during which the applicant will conduct engineering, environmental, and economic feasibility studies and prepare an application for an FERC license. No new road construction will be required. The estimated cost for conducting these studies and preparing an application for an FERC license is $85,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 1, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR § 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before November 1, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than November 29, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who filed 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 November 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23092 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6114-000]

County of Inyo; Application for License (5 MW or Less)

August 18, 1982.

Take notice that the County of Inyo (Applicant) filed on March 22, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for the construction and operation of a water power project to be known as Big Pine Creek Project No. 6114. The project would be located on Big Pine Creek in Inyo County, California. Correspondence with the Applicant should be directed to: Mr. Gregory L. James, Director, Inyo County Water Department, 301 West Line Street, Suite C, Bishop, California 93514.

Project Description—The proposed project would consist of: (1) A proposed reservoir with a storage capacity of 1 acre-foot and a surface area of 0.25 acre at normal power pool elevation of 7,296 feet m.s.l.; (2) a proposed powerhouse containing two generating units rated at 1.2 MW and 3.8 MW, respectively; (3) a proposed 14-inch wide by 7 feet deep diversion structure; (5)a proposed 36-inch diameter penstock approximately 13,550 feet long; (4) a proposed 34.5-kV transmission line; and (6)) appurtenant facilities. The estimated average energy output is 17,350,000 kWh.

Purpose of Project—Applicant would utilize the power generated for its needs, and sell the excess to the Los Angeles Department of Water and Power and the Southern California Edison Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the

application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent [See 18 CFR 4.33(b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23093 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-716-000]

Iowa Power and Light Co.; Filing

August 16, 1982.

The filing Company submits the following:

Take notice that Iowa Power and Light Company (Iowa), on August 9, 1982, tendered for filing proposed changes in its FERC Electric Service Tariff, submitting proposed changes in its rate schedule No. 811, under which wholesale electric service for resale is provided to the cities of Carlisle and Neola, Iowa. The proposed changes would have increased revenue from jurisdictional sales and service by $38,023.78 based on the 12 month period ending December 31, 1981.

Iowa states that the proposed increase is necessary in order for the Company to properly earn a reasonable return on its investment dedicated to serving its customers. Iowa further states that the proposed increase is designed to offset increased costs-of-service including higher capital costs, higher costs of common equity and a new issue of first mortgage bonds. Additionally, the rate increase will recover increased operating costs caused by inflationary pressures, primarily affecting labor and material costs.

Copies of this filing have been served upon Iowa's jurisdictional customers, the Cities of Carlisle and Neola, Iowa and the Iowa State Commerce Commission.

Any person desiring to be heard or to protests said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). all such petitions or protests should be filed on or before August 31, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23116 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6520-000]

Ithaca Hydro Associates; Application for Preliminary Permit

August 16, 1982.

Take notice that Ithaca Hydro Associates (Applicant) filed on July 15, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 6520 to be known as the Sixty-Foot Dam Project located on Six Mile Creek in Tompkins 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. Wayne L. Rodgers, Synergics, Inc., 1444 Foxwood Court, Annapolis, Maryland 21401.

Project Description—The proposed project would consist of: (1) The existing concrete Sixty-Foot Dam 45 feet long and 60 feet high; (2) a reservoir having a surface area of 50 acres, a storage capacity of 1000 acre-feet, and a normal surface elevation of 704.5 feet m.s.l.; (3) a new 2-foot diameter steel penstock 1000 feet long; (4) a new powerhouse containing one unit having a generating capacity of 350-kW; (5) a new tailrace 10 feet wide and 30 feet long; (6) a new transmission line 4000 feet long; and (7) appurtenant facilities.

Applicant estimates the annual energy production would be 1.5 GWh. All project energy would be sold to New York State Electric & Gas Company. The existing project facilities are owned by the City of Ithaca.

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 the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates cost of the studies under permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission on or before November 23, 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 exmemption 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 C.F.R. § 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. 82-23094 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-710-000]

Kansas Power and Light Co.; Filing

August 16, 1982.

The filing Company submits the following:

Take notice that on August 2, 1982, The Kansas Power and Light Company (KPL) tendered for filing a proposed cancellation of FPC Rate Schedule was dated January 7, 1975 between the City of Goff and KPL.

KPL states that the termination of the contract was effective July 16, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 30, 1982. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23117 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2966-002]

James C. Katsekas and Zoes J. Dimos; Application for Amendment of License

August 18, 1982.

Take notice that James C. Katsekas and Zoes J. Dimos (Licensee) filed on July 12, 1982, an application pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r), for amendment of its license for its Clement Dam Project, FERC No. 2966, located on the Winnipesaukee River in Belknap and Merrimack Counties, New Hampshire. Applicant has filed revised Exhibits F and G showing project modifications. Correspondence with the Applicant should be directed to: Zoes J. Dimos and James C. Katsekas, 209 Walnut Street, Manchester, New Hampshire 03104.

Project Description—The project as licensed consisted of: (1) A new dam, approximately 120 feet long and 9 feet high, located at an old damsite and constructed of concrete with a spillway section; (2) a reservoir having minimal pondage and a normal water surface elevation of 431.4 feet (m.s.l.); (3) an intake structure near the right dam abutment; (4) an enclosed concrete flume, 8 feet by 16 feet in cross-section and 200 feet long, leading to (5) a new powerhouse containing a turbine-generator unit having a total rated capacity between 1,200 kW and 1,400 kW; (6) an existing tailrace to be widened; (7) a transmission line connection to a nearby substation rated at 33 kV; and (8) appurtenant facilities.

The Licensee now proposes to use flashboards and to increase the height of appurtenant structures in order to accommodate a normal pool elevation of 442.4 feet (m.s.l.), an elevation increase of 11 feet. Remnants of the upstream Cotton Mill Dam structures, owned by the Licensee, would be removed, and the power potential of both dams would be developed at the downstream Clement Dam Project. The proposal would allow installation of a turbine-generator unit having a rated capacity of 2,400 kW with an estimated annual generation of 10,000,000 kWh.

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 only 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 8, 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, 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. 82-23095 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3259-002]

Joseph M. Keating; Application for Short-Form License (5 MW or Less)

August 17, 1982.

Take notice that Joseph M. Keating (Applicant) filed on April 29, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction and operation of a water power project to be known as the Paoha Project No. 3259. The project would be located on Wilson Creek, near Lee Vining, in Mono County, California, and affect U.S. lands under BLM. Correspondence with the Applicant should be directed to: Joseph Keating, 847 Pacific Street, Placerville, California 95667; and James Vasile, Morgan, Lewis & Bockius, 1800 M St. N.W. Washington, D.C. 20036.

Project Description—The proposed project would consist of: (1) An intake structure on an existing canal of Southern California Edison Company's Lundy Project No. 1390; (2) a 920-foot-long, 42-inch-diameter steel penstock; (3) a powerhouse containing one generating unit rated at 370 kW; and (4) a 700-foot-long transmission line. The average annual energy generation is estimated to be 750,000 kWh.

Purpose of Project—The energy generated by this project would be sold to the Southern California Edison Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 25, 1982, either the competing application itself (see 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4,33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before 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 intents, 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. 82-23104 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6231-001]

Lester Kelley, Vernon Ravenscroft, and Helen Chenoweth; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 17, 1982.

Take notice that on June 29, 1982, Lester Kelly, Vernon Ravenscroft, and Helen Chenoweth (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. 6231 would be located on Wardenhoff Creek near Yellow Pines in Valley County, Idaho. The proposed project would affect U.S. lands within Boise National Forest. 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) A 4-foot-high diversion structure; (2) a 12-inch-diameter, 3,600-foot-long steel penstock; (3) a powerhouse with a total installed capacity of 392kW; and (4) a 1500-foot-long, 34.5-kV transmission line interconnecting with an existing Idaho Power Company transmission line. The average annual energy output is estimated to be 1.05 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, 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 October 4, 1982.

Filing and Service of Responsive Documents—Any filings must bear 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. 82-23106 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-713-000]

Long Island Lighting Co.; Filing

August 16, 1982.

The filing Company submits the following:

Take notice that Long Island Lighting Company (LILCO) on August 4, 1982, tendered for filing proposed changes in its FERC Rate Schedule 32, pursuant to which LILCO transmits power and energy from the Power Authority of the State of New York to Brookhaven National Laboratories (Brookhaven). The proposed changes would increase revenues by $60,000 based on the 12-month period ending May 31, 1983.

LILCO proposes to increase the rates in order to recover the increase in the cost of service.

Copies of the filing were served upon the Power Authority of the State of New York, Brookhaven and the New York State Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 31, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kennth Plumb,

Secretary.

[FR Doc. 82-23118 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6400-000]

Mann Creek Irrigation District; Application for Preliminary Permit

August 17, 1982.

Take notice that Mann Creek Irrigation District (Applicant) filed on June 2, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6400 to be known as the Mann Creek Dam Project located on Mann Creek in Washington County, Idaho, on lands of the United States. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Kim R. Lindquist, Lary C. Walker Law Office, 232 East Main Street, Post Office Box 828, Weiser, Idaho 83672.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Mann Creek Dam and would consist of: (1) A powerhouse at the foot of the dam containing a turbine generator with 365-kZ capacity and 1.4-Gwh average annual output; and (2) a transmission line 500 yards long. Project output would be utilized by the Applicant or sold to the Idaho Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 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 $30,000.

Competing Applications—This application was filed as a competing application to Richard K. Linville's application for Project No. 5408 filed on September 22, 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 28, 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. 82-23078 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6272-000]

Lawrence J. McMurtrey; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 18, 1982.

Take notice that on April 29, 1982, Lawrence J. McMurtrey (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. 6272 would be located on Grade Creek, a tributary of the Suiattle River, in Skagit County, Washington. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122-196th N.E., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) An inlet structure; (2) a 12,200-foot-long, 24-inch-diameter pipeline/penstock; (3) a powerhouse containing one generating untit with a rated capacity of 3.3 MW; and (4) a 7-mile-long, 55-kV transmission line from the powerhouse to an existing transmission line. The power generated will be sold to Puget Sound Power & Light Company, the Bonneville Power Administration, or the Intalco Aluminum Company. The Applicant estimates that the average annual energy production would be 14.5 GWh. The Project is located within the Mt. Baker-Snoqualmie National Forest.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, the State of Washington Department of Fisheries and 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 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 12, 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 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23096 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-106-000]

Michigan Wisconsin Pipe Line Co., Petition for Declaratory Order

August 16, 1982.

Take notice that on June 14, 1982, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) filed a petition requesting instruction as to whether to make cetain payments to natural gas producers. Michigan Wisconsin, citing Commission Orders in Docket No.

RM80–33 (Order Nos. 93 and 93–A and of December 24, 1981) and the Commission's Order of February 26, 1982, in El Paso Natural Gas Company, Docket No. RP82–41, states that substantial doubt exists as to whether prompt payment should be made by it of sums which could be due as a result of these orders. Furthermore, Michigan Wisconsin requests advance approval for the recovery of any amounts so paid, through its PGA adjustment. Michigan Wisconsin also seeks authorization to recover such payments from producers, is such payments are later found to be unjustified, and permission to pass on to its customers any such payments so recovered.

Michigan Wisconsin states that some of its gas purchase contracts may ultimately be interpreted to mandate payments.

Accordingly, Michigan Wisconsin's Petition requests that the Commission:

(1) Determine those contracts, if any, pursuant to which Michigan Wisconsin should make prompt payment of amounts based on "additional billing determinants" (Applicant's term) resulting from the orders in Docket No. RM80–33;

(2) Verify, and direct that Michigan Wisconsin shall pay, the amounts set forth in Exhibit B of the Petition, relative to any contract pursuant to which payment is due under point (1), above;

(3) Authorize recovery of any amounts paid by Michigan Wisconsin, as provided for in Article IV of the Petitions;

(4) Authorize Michigan Wisconsin, as provided for in Article VII of the petition, to take steps to recover, including by offsets against gas cost payments due, any sums paid to producers hereunder, above, which are later held to have not been appropriate; and

(5) Authorize Michigan Wisconsin, as provided for in Article VII of the Petition, to refund to its customers, sums recovered pursuant to point (4), above.

Michigan Wisconsin states that calculations have been made of the principal amount which would be owing to each producer, with whom it has contracts which provide for Btu measurement on the saturated basis, and have an area rate clause for the period from December 1, 1978 through April 30, 1982, if Btu measurement is to be done under each such contract on the as-delivered basis for such period.

In this context, Michigan Wisconsin requests that the Commission:

(a) Verify (i) that the principal amount of payment shown in each case is accurate, (ii) determine whether interest is due thereon, and (iii) if interest is due, determine the date on which interest should begin to accrue. If the Commission determines that interest is to be paid on one or more of such payments, Michigan Wisconsin would propose to pay at the rate specified in the applicable contract, beginning on the date prescribed by the Commission: confirmation by the Commission that such interest computation procedure is correct is also now requested.

(b) Order that Michigan Wisconsin make payment of the amounts approved on the basis of the Commission determinations in subsection (a) hereof, (relative to those contracts, if any, pursuant to which payments are found to be due pursuant to Article IV hereof), and direct the time that any such payment(s) should be made.

In concluding, Michigan Wisconsin requests (in order to make feasible any payments to producers which may be directed) authorization to recover all such payments from its customers. It is proposed that such recovery be accomplished, with respect to retroactive payments, by use of a surcharge to be applied to all sales to resale customers during the twelve month period commencing with the next PGA tracking date after such payments are made. Any under or over collection would be transferred to the then current PGA sub-account. Payments covering subsequent months will be treated in accordance with the terms of Section 15 of Michigan Wisconsin's Gas Tariff Volume No. 1.

If the Commission fails to "act in response to the Petition herein described," Michigan Wisconsin states that such action will be interpreted by it as the Commission's direction that Michigan Wisconsin shall not make payments until so ordered by the Commission or a Court of competent jurisdiction, pursuant to orders which are final and no longer subject to appeal, even though such delay might increase the amounts which it must later pay to producers and recover from its customers and consumers (assuming that it is finally held that any such payments are due).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 30, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–23079 Filed 8–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6565–000]

Modesto Irrigation District; Application for Preliminary Permit

August 18, 1982.

Take notice that Modesto Irrigation District (Applicant) filed on August 2, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6565 to be known as the Deep Hole Creek Mendocino Power Project located on the Deep Hole Creek in Mendocino County near Covelo, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lee DeLano, Modesto Irrigation District, 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) A 5-foot-high by 150-foot-long diversion struture; (2) a 4,800-foot-long, 66-inch-diameter water conduit; (3) an 1,800-foot-long, 42-inch-diameter penstock leading to; (4) a powerhouse to contain an impulse-type, turbine-generating unit with a rated capacity of 4.5 MW; and (5) a 13-mile-long, 12-kV transmission line to connect to an existing Pacific Gas and Electric Company line. Estimated average annual production of the project using a 430-foot-head and 150 cubic feet per second would be 39 million kilowatt hours. The project would be located on lands administered by the U.S. Bureau of Land Management.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 24-month permit to study the feasibility of constructing and operating the project. No new road would be required to conduct the studies.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 1, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before November 1, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see; 18 CFR 4.30 et seq. or §4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than November 29, 1982.

Agency Comment—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 C.F.R. 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 November 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23097 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-717-000]

Montana Power Co.; Filing

August 16, 1982.

The filing Company submits the following:

Take notice that the Montana Power Company on August 9, 1982, tendered for filing Third Revised Sheet No. 9 and Third Revised Sheet No. 10 of the FPC Electric Tariff M-1 which has been revised to show the addition of Public Service Company of New Mexico and the City of Colorado Springs, and a summary of sales made under the Company's FPC Electric Tariff M-1 during February, March, April, May, and June, 1982, along with cost justification for the rate charged. An effective date of May 1, 1982, is proposed for service to Public Service of New Mexico and the City of Colorado Springs and waiver of the Commission's prior notice requirements is, therefore, requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 31, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23119 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-432-000]

Northwest Pipeline Corp.; Application

August 16, 1982.

Take notice that on July 20, 1982, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84410, filed in Docket No. CP82-432-000 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 a mainline tap and metering facilities and the transportation on a best-efforts basis of natural gas for Amoco Production Company (Amoco) and Chevron U.S.A. Inc. (Chevron), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Amoco and Chevron agreed to sell gas to Applicant pursuant to gas purchase contracts dated October 23, 1979, and December 18, 1978, respectively. It is stated that in their contracts both Amoco and Chevron reserved the right to retain certain percentages of their respective production from the Ryckman Creek Field in Uinta County, Wyoming, for their own use. Applicant submits that Amoco and Chevron each desire to use a portion of their reserved production from the Ryckman Creek Field at sulfur terminals under construction in Lincoln County, Wyoming.

Applicant asserts that transportation agreements were entered into on April 27, 1982, to enable Amoco and Chevron to use their Ryckman Creek reserves. The agreements provide for the best-efforts transportation of up to 1,200 million Btu per day for Amoco to the proposed Amoco-Chevron meter station and a similar service for Chevron up to 350 million Btu per day, it is stated.

Applicant proposes to receive gas for the account of Chevron and Amoco at the central point of the Ryckman Creek Field and transport the gas through its existing Ryckman/Painter gathering line to its Opal Gasoline Plant. Applicant states that it would then transport the gas through its transmission facilities for redeliery to Amoco and Chevron at the proposed Amoco-Chevron meter station in Lincoln County, Wyoming.

For such service, it is stated that Amoco and Chevron would pay Applicant the transportation rate per million Btu for the Ryckman-Painter gathering area plus its mainline transportation rate per million Btu as set forth on sheets number 2-B and 2, respectively, of Applicant's FERC Gas Tariff, Volume No. 2.

To facilitate these transportation agreements, Applicant proposes to construct and operate two two-inch taps and a two-inch meter run with appurtenances on Applicant's mainline in Lincoln County, Wyoming. It is stated that the proposed facilities would be constructed at or adjacent to Applicant's existing Kemmerer sales meter station.

Applicant estimates the cost of the proposed facilities would be $22,600 to be financed by Applicant with

reimbursements from Amoco and Chevron for all out-of-pocket expenses incurred.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 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. 82-23080 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4006-001]

City of Ogdensburg, New York; Application for Exemption for Small Hydroelectric Power Project under 5 MW Capacity

August 17, 1982.

Take notice that on May 3, 1982, and revised on July 26, 1982, the City of Ogdensburg, New York (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. 4006 would be located on the Oswegatchie River in the City of Ogdensburg, St. Lawrence County, New York. Correspondence with the Applicant should be directed to: Mr. Bradley B. Upson, 330 Ford Street, Ogdensburg, New York 13669. This application was filed during the term of Applicant's preliminary permit for Project No. 4006.

Project Description—The proposed project would utilize existing facilities consisting of: (1) A 19-foot-high and 400-foot-long concrete gravity-type dam; (2) a reservoir having a surface area of 293 acres and a storage capacity of 1,450 acre-feet at spillway crest elevation 258.0 feet m.s.l.; (3) a powerhouse at the right (east) bank; (4) a 200-foot-long tailrace; (5) a transmission line; and (6) appurtenant facilities.

Applicant proposes to: (1) Construct a new headrace; (2) construct a short penstock; (3) remove the existing powerhouse; (4) construct a powerhouse contining a generating unit having a rated capacity of 870-kW at a head of 11 feet and a flow of 1,100 cfs; (5) enlarge the tailrace; and (6) upgrade the transmission line.

Applicant proposes to operate the project run-of-river. Project energy would be sold to Niagara Mohawk Power Corporation. Applicant estimates that the average annual energy output would be 6.7 MWh.

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 provisons 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 8, 1982, either the competing license application that proposes to develop at least 7.5 megawaths in that project, are 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 C.F.R. 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 8, 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. 82-23100 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6521-000]

Olympic Hydro-Power; Application for Preliminary Permit

August 18, 1982.

Take notice that Olympic Hydro-Power (Applicant) filed on July 15, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6521 to be known as the Ziegler Creek Hydroelectric Project located on Ziegler Creek within the Olympic National Forest in Grays Harbor County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Patricia A. Elwin, Owner, P.O. Box 3797, Lacey, Washington 98507.

Project Description—The proposed project would consist of: (1) An existing 80-foot-long, 6-foot-high log crib dam; (2) a 14-inch-diameter, 2,000-foot-long penstock; (3) a powerhouse to contain a single generating unit with an installed capacity of 750 kW, operating under a head of 700 feet; (4) a tailrace discharging directly into Ziegler Creek; (5) a transmission line tying into an existing line; and *(6) an existing 1,350-foot-long access road to be upgraded. The estimated average annual energy production is 3.9 million kWh.

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 the Applicant would conduct engineering, environmental, and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be required to carry out the studies. The estimated cost for conducting these studies and preparing an application for an FERC license is $15,800,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before November 29, 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 November 1, 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 November 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT OT 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 208RB 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. 82-23098 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-439-000]

Panhandle Eastern Pipe Line Co.; Application

August 16, 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. CP82-439-000 an application pursuant to Section 7 of the Natural Gas Act and paragraph (g) of Section 157.7 of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during, the 12-month period commencing with the date the order is issued, and operation of various field compress and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application. The proposed cost limitations are in excess of those prescribed by Section 157.7(g) of the Regulations. Applicant states that due to a 148 percent inflation of construction costs and a single project cost limitation of $500,000, Applicant has been unable to use its budget-type authority for anything but relocation and retirement of small compressor units. Applicant states that the total cost of the proposed construction and abandonment would not exceed $7,400,000 and no single project would exceed $1,200,000 and requests authorization providing for those cost limitations. Applicant further states that said cost would be financed from internally generated funds and short term bank borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 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 Prodedure (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 intevene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23081 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6466—000]

Piute River and Irrigation Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 17, 1982.

Take notice that on June 25, 1982, Piute River and Irrigation Company 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. 6466 would be located at the Piute Reservoir Dam on the Sevier River in Piute County, Utah. Correspondence with the Applicant should be directed to: Mr. Jay R. Bingham, Bingham Engineering, 165 Wright Brothers Drive, Salt Lake City, Utah 84116.

Project Description—The proposed run-of-river project would consist of: (1) A 95-foot-high, 1,150-foot-long existing earthfill dam owned and operated by Applicant; (2) an existing reservoir with a surface area of 2,590 acres and storage capacity of 71,826 acre-feet; (3) a proposed 6-foot diameter, 600-foot-long, steel penstock to be located mostly within an existing discharge tunnel; (4) a proposed powerhouse containing two turbine-generator units, each with a 900 kW capacity, operating under a 60 foot head; (5) a proposed tailrace; (6) a proposed 400-foot-long transmission line; (7) upgrading, to a three-phase system, an existing 1.25-mile-long transmission line; and (8) appurtenant facilities. The average annual generation of 7,210,000 kWh 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, Division of Wildlife 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 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. 82-23082 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-715-000]

Puget Sound Power & Light Co.; Filing

August 16, 1982.

The filing Company submits the following:

Take notice that on August 4, 1982, Puget Sound Power & Light Company (Puget Sound) tendered for filing Appendix 1 to Residential Purchase and Sale Agreement (Agreement), Contract No. DE-MS79-81BP90604, between the Bonneville Power Administration (BPA) and Puget Sound for the exchange period commencing March 20, 1982.

Puget Sound states that Appendix 1 applies to the exchange of power beginning on March 20, 1982 and continuing until June 1, 1982 at which time Puget Sound's new retail rates took effect. Puget Sound further states that the new retail rates established a new average system cost which Puget Sound has filed with BPA and which is currently under review by BPA.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 31, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23120 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-32-000]

J. Clyde Roberson—Small Power Production and Cogeneration Facilities; Order Granting Intervention and Denying Qualifying Status

August 13, 1982.

On March 8, 1982, J. Clyde Roberson (Applicant) filed a complete application for certification as a qualifying small power production facility pursuant to section 292.207 of the Commission's regulations. Applicant requests an order certifying that three proposed small power production facilities would be qualifying facilities pursuant to section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA). Notice of the Application was published in the **Federal Register** on March 31, 1982.[1] On April 30, 1982, the Upper Cumberland Electric Membership Corporation (Cumberland) filed a timely protest and petition to intervene under sections 1.8 and 1.10 of our regulations. No response has been received from Applicant. For the reasons stated below, we shall grant Cumberland's request to intervene and deny qualifying status to the proposed facilities.

Applicant states that he intends to develop, construct, and operate three electrical generators producing 150 kilowatts each. Applicant will use natural gas from existing gas wells as the primary energy sources for the facilities. Applicant states that such gas is "waste," as defined in section 292.202(b) of our regulations, and is therefore eligible to be used as a primary energy source under section 292.204(b)(1) of our regulations. Applicant bases this categorization on the assertion that the location of the gas wells would impose prohibitive costs in transporting the gas to the nearest gas pipeline (the closest pipeline is five miles from the wells). Also, Applicant states that liquification costs prevent possible transportation by truck to distributors.

Cumberland protests and petitions to intervene in this proceeding. With regard to its petition to intervene, Cumberland states that the proposed facilities are located in its service territory. Thus, if the facility is qualified, either Cumberland or TVA, its wholesale supplier, will be required to interconnect with Applicant's facilities. Cumberland also asserts that the natural gas to be used by Applicant is not "waste," and is not an eligible primary energy source.

We find that Cumberland has demonstrated the requisite direct interest in this proceeding under section 1.8 of our regulations. We shall therefore grant Cumberland's request for intervention.

In a recent order, we denied qualifying status to a proposed facility which would use natural gas from shut-in gas wells and flared and vented natural gas as its primary energy source.[2] In that order, we stated that such gas is not a by-product and does not qualify as "waste" under section 292.202(b) of our regulations.

Similarly, the natural gas from a gas well proposed to be used by Applicant is not a by-product and is not "waste." Its use is therefore restricted to 25 percent of the energy input of the facility, and it may not be used as a primary energy source.[3] For this reason, we shall deny qualifying status to the proposed facilities.

The Commission orders:

(A) The petition to intervene filed by the Upper Cumberland Electric Membership Corporation on April 30, 1982, pursuant to section 1.8 of our regulations is hereby granted.

(B) The application for qualifying status as a small power production facility filed by J. Clyde Roberson on March 8, 1982, pursuant to section 292.207 of our regulations is hereby denied.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23121 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6532-000]

Town of Skykomish, Washington; Application for Preliminary Permit

August 16, 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. 6532 to be known as the Proctor Creek Hydropower Project located on Proctor Creek, within Snoqualmie—Mt. Baker National Forest in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. correspondence with the Applicant should be directed to: Mayor, Town of Skykomish, P.O. Box 308, Skykomish, Washington 98288.

Project Description—The proposed project would consist of: (1) A 36-inch-wide concrete intake structure placed in the streambed at elevation 1600 feet; (2) a diversion pipeline 36 inches in diameter by 7000 feet in length; (3) a powerhouse at elevation 640 feet containing a turbine generator with 2.3-MW capacity and 10.1-GWh average annual output; and (4) a transmission line one mile 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

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[1] 47 FR 13570.

[2] *Tulsa Energy Corp.*, Order Denying Qualifying Status, Docket No. QF81-25-000 (issued June 25, 1982).

[3] Section 294.204 of the Commission's regulations.

feasiblity 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. 6176–000 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 tme 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 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. 82–23112 Filed 8–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP82–55–000]

Transcontinental Gas Pipeline Corp.; Informal Settlement Conference

August 17, 1982.

Take notice that an informal settlement conference in the above-listed docket will be held August 30, 1982. Such informal conference will be at 2:00 p.m. and will include all interested persons desiring to engage in settlement discussions in this proceding. The meeting place will be posted on the day of the conference on the second floor of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–23113 Filed 8–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP80–9–002]

Transwestern Pipeline Co.; Petition To Amend

August 16, 1982.

Take notice that on June 29, 1982, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82–9–002 a petition to amend the order issued January 10, 1980, in Docket No. CP80–9 pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to authorize the construction of a single project in excess of the single-project cost limitation of $2,500,000, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued January 10, 1980, it was authorized to construct and operate each year gas purchase facilities with no single project to exceed $2,500,000. Petitioner asserts that it undertook the construction of approximately 19.7 miles of 12-inch diameter pipeline and appurtenant facilities to connect approximately 45,000,000 Mcf of gas supplies in Southwest Leedy field, Roger Mills County, Oklahoma (Leedy Line) which was estimated to cost $2,456,000. It is stated that additional unforeseen costs due to increased contract installation charges, additional right-of-way costs, increased outside services, and miscellaneous offsite and onsite charges, raised the actual cost of construction to $3,803,078. Petitioner, therefore, requests an increase in the single project cost limitation for its Project 44 from $2,500,000 to $3,803,078.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 8, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–23083 Filed 8–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP80–9–003]

Transwestern Pipeline Co.; Petition To Amend

August 16, 1982.

Take notice that on June 29, 1982, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP80–9003 a petition to amend the order issued January 10, 1980, in Docket No. CP80–9 pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to authorize the construction of a single project in excess of the single-project cost limitation of $2,500,000, all as more fully set forth in

the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued January 10, 1980, it was authorized to construct and operate each year gas purchase facilities with no single project to exceed $2,500,000. Petitioner asserts that it undertook the construction of approximately 85,500 feet of 12-inch pipeline and appurtenant facilities to connect gas supplies of approximately 15,400,000 Mcf in the Leedy Field, Roger Mills County, Oklahoma, which was estimated to cost $2,463,000. It is stated that unforeseen costs due to increased contract installation charges and increased costs of crossing the Canadian River raised the actual cost of construction to $2,794,509. Petitioner, therefore, requests an increase in the single project cost limitation from $2,500,000 to $2,794,509 for its Project 9, Dehli to Feldman Lateral Pipeline.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 8, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23084 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-181-000]

United States Army Corps of Engineers, Pittsburgh District; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

August 17, 1982.

On July 22, 1982, the United States Army Corps of Engineers, Pittsburgh District, Room 1810, Wm. S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric small power production facility will be located on Lock and Dam No. 3, on the Allegheny River at Acmetonia, Allegheny County, Pennsylvania. The electric power production capacity of the facility will be 60 kilowatts. There are no other hydroelectric small power production facilities owned by the United States Army Corps of Engineers located within one mile of the facility. No electric untility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed by September 23, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23099 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-714-000]

Upper Peninsula Generating Co.; Filing

August 16, 1982.

The filing Company submits the following:

Take notice that on August 5, 1982, Upper Peninsula Generating Company (Upper Peninsula) tendered for filing an initial rate schedule to its 1982 Transmission Line Agreement. This Agreement has been executed between Upper Peninsula and Cliffs Electric Service Company (Service Company) and provides the terms and conditions pursuant to which Service Company will have the exclusive right to schedule electric energy over a new 138 kV transmission line constructed by Upper Peninsula between Plains and Forsyth substations in the upper Peninsula portion of Michigan. Service Company has agreed to pay all costs of Upper Peninsula associated with the transmission line.

Upper Peninsula requests an effective date of May 15, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 30, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23122 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6568-000]

Delmer Wagner; Application for Preliminary Permit

August 16, 1982.

Take notice that Delmer Wagner (Applicant) filed on July 21, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6568 to be known as the Grave Creek II Project located on Grave Creek near Grants Pass in Josephine County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Delmer Wagner, 326 Pine Grove Road, Rogue River, Oregon 97537.

Project Description—The proposed project would consist of: (1) A 15-foot-high, 60-foot-long diversion dam; (2) a 4,695-foot-long diversion ditch; (3) a 820-foot-long, 3-foot-diameter penstock; (4) a powerhouse with a total installed capacity of 560 kW; and (5) a 5,575-foot-long, 12-kV transmission line interconnecting with an existing transmission line. The Applicant estimates that the average annual energy output would be 0.893 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking issuance of a preliminary permit for a duration of 36 months during which he would conduct engineering, environmental, economic studies, and prepare an FERC license application. No new roads would be

required to conduct the studies. The cost of conducting these studies is $15,000.

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 4.30 et. seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before October 5, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than December 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 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," "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, 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. 82–23107 Filed 8–23–82; 8:45 am]

BILLIING CODE 6717–01–M

[Project No. 6240–000]

John N. Webster; Application for License (5 MW or Less)

August 18, 1982.

Take notice that John N. Webster (Applicant) filed on April 20, 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 Watson Dam Project No. 6240. The project would be located on the Cocheco River in Strafford County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. John N. Webster, P.O. Box 1073, 29 Grover Street, Dover, New Hampshire 03820.

Project Description—The proposed project would consist of: (1) The existing concrete gravity Watson Dam 290 feet long varying in height from 6 feet to 10 feet; (2) a reservoir having a surface area of 54 acres, a storage capacity of 236 acre-feet and a normal surface elevation of 119 feet m.s.l.; (3) a new powerhouse containing two units having a total generating capacity of 182 kW; and (4) appurtenant facilities. The Applicant estimates the annual energy output would be 956,600 kWh. The dam is owned by the State of New Hampshire. The Applicant estimates that the total project cost would be $230,000.

Purpose of Project—All project power would be sold to the Public Service Company of New Hampshire.

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 issued 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 withn the time set below, it will be presumed to have no comments.

Competing Applications—This application competes with the City of Dover's application for Project No. 6296 filed on May 5, 1982. Anyone desiring to file a competing application must submit to the Commission, on or before, August 27, 1982, either the competing application itself (see 18 CFR 4.33 (a) and (d)) or a notice of intent (see 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in §4.33 (c) or §4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital leetters 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 intevene must

also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23108 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6360-000]

West Anvil Water and Power; Application for Preliminary Permit

August 16, 1982.

Take notice that West Anvil Water and Power (Applicant) filed on May 21, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6360 to be known as the Webster Hill Hydropower Project located on the Colorado River near the town of Rifle in Garfield County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Michael R. Stansbury, Post Office Box, 22508, Denver, Colorado 80222.

Project Description—The proposed project would affect lands of the United States under the jurisdiction of the Bureau of Land Management and would consist of: (1) A new 80-foot-high 820-foot-long concrete gravity-type dam; (2) a reservoir with a surface area of 1,220 acres and a storage capacity of 21,000 acre-feet at normal pool elevation 5,240 feet m.s.l.; (3) a 24-foot diameter and 550-foot-long penstock; (4) a powerhouse containing a generating unit having a rated capacity of 11,000-kW operated under a 58-foot head and at a flow of 2,800 cfs; (5) a switchyard; (6) a 1-mile long transmission line; and (7) appurtenant facilities.

Applicant estimates that the average annual energy output would be 71,800,000 kWh. Project energy would be sold to a local utility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies to determine the feasibility of adding hydroelectric generation to the presently planned water supply project. Applicant estimates the cost of the work under the permit to be $40,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before October 22, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before October 22, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than December 21, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 22, 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. 82-23109 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6148-000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 17, 1982.

Take notice that on March 31, 1982, Western Hydro Electric, Inc. 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. 6148 would be located on Independence Creek, near the town of Independence, in Inyo County, California. Correspondence with the Applicant should be directed to: Mr. J. Kirk Rector, Attorney, Western Hydro Electric, Inc., Commercial Security Bank Tower, Suite 600, 50 South Main Street, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) A proposed, 5-foot-high and 40-foot-long diversion structure with negligible storage; (2) a proposed 16-inch-diameter, 11,350-foot-long penstock; (3) a proposed powerhouse with an installed generating capacity of 1.5 MW; (4) a proposed 33,500-foot-long transmission line; and (5) appurtenant facilities. The annual generation is estimated to be 6 GWh. All lands within the project boundary are owned by the Federal Government.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Fish and Game Commission 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 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, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23085 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6500-001]

Western Wisconsin Municipal Power Group; Application for Preliminary Permit

August 16, 1982.

Take notice that Western Wisconsin Municipal Power Group (Applicant) filed on July 21, 1982 an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)) for Project No. 6500 to be known as the Mississippi River Lock and Dam No. 8 located on the Mississippi River in the County of Houston, Minnesota and the County of Vernon, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles J. Leuck, President, Western Wisconsin Municipal Power Group, 860 Lincoln Avenue, Fennimore, Wisconsin 53809.

Project Description—The proposed project would consist of: (1) A proposed powerhouse located at the west end of the spillway. The generating units, having a total capacity rated at 10,000-kW, will be located within the spillway gate openings; (2) a proposed 6.9-KV transmission line; and (3) appurtenant facilities. The estimated average annual energy output would be 535,000 kWh. The Applicant would utilize an existing dam and lands owned by the U.S. Army Corps of Engineers.

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 36 months to conduct studies to determine roads and access, cost engineering, intake structures, hydro machinery, electrical accessories, and ecology. In addition, all appropriate agencies would be consulted concerning the environmental effects of the project. Applicant estimates the cost of the studies would be $100,000.

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. 82-23110 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-448-000]

Wyoming Interstate Company, Ltd.; Application

August 18, 1982.

Take notice that on July 30, 1982, Wyoming Interstate Company, Ltd. (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP82-448-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states that it would comply with Section 284.221(d) of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-23111 Filed 8-23-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of July 12 Through July 23, 1982

During the week of July 12 through July 23, 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

Bracewell & Patterson, 7/15/82; HFA-0063

Bracewell & Patterson filed an Appeal from a partial denial by the Disclosure Officer of the DOE Office of Special Counsel of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that evidence existed indicating that the original search for responsive documents conducted by the Disclosure Officer was inadequate. Accordingly, the case was remanded to him for a further search. The Decision and Order also determined that the Disclosure Officer correctly invoked Exemption 5 in withholding a report prepared by a Special Task Force appointed by the Administrator of the Economic Regulatory Administration.

Ginsburg, Feldman, Weil and Bress, 7/13/82; HFA-0056

Ginsburg, Feldman, Weil and Bress filed an Appeal from a partial denial by the Director of the Dallas Office of the Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that certain of the documents which were initially withheld under Exemption 4 should be released to the public. The DOE further found that certain documents withheld under Exemptions 4 and 5 simultaneously should be withheld in their entirety and others remanded for a new determination as to whether they contain reasonably segregable factual material. An important issue that was considered in the Decision and Order was the standard to be applied by the Office of Hearings and Appeals in reviewing search fees assessed by the DOE.

Ginsburg, Feldman, Weil and Bress, 7/15/82; HFA-0064

The law firm of Ginsburg, Feldman, Weil and Bress filed an Appeal from a denial by the Dallas Office of the DOE Economic Regulatory Administration (ERA) of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE ordered that certain documents which had been withheld under Exemption 4 be released and that the remainder of the documents be released unless the Director of the Dallas ERA Office determines that they are withholdable under Exemption 5.

Remedial Orders

Meeker and Company, 7/12/82; DRO-0138

Meeker and Company objected to a Proposed Remedial Order which the Department of Energy Region VI Office of Enforcement issued to the firm on October 13, 1978. In the Proposed Remedial Order, the Region VI Office of Enforcement found that during the period October 1975 through December 1976, Meeker had improperly classified crude oil as new and released oil, and thereby overcharged its purchaser of crude oil by $228,667.08. In considering the firm's objections, the DOE found that the PRO adequately apprised Meeker of the charges against the firm; that the elimination of the "released" crude oil category from the crude oil producer price rule effective February 1, 1976, was a valid exercise of Agency authority; that the February 1, 1976 amendments to the producer price rule did not unlawfully discriminate against Meeker; and that the Agency has authority to assess interest on outstanding overcharges. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Remedial Order.

T.N.T., Inc., 7/16/82; BRO-1324

T.N.T., Inc. (T.N.T.) filed a Statement of Objections to a Proposed Remedial Order (PRO) issued to it on September 23, 1980 by the DOE Southwest Enforcement District. In the PRO the Southwest Enforcement District found that T.N.T. sold crude oil at prices which exceeded the ceiling price as determined by the Mandatory Petroleum Price Regulations. In its Statement of Objections, T.N.T. argued that since its working interest ownership in the property barely exceeded one percent, its refund liability should be reduced to the equivalent of the overcharge revenue actually retained by the firm. In considering this argument, the DOE pointed out that the ERA has wide

discretion in selecting a PRO recipient and that it is generally presumed that the operator of a crude oil property is the proper recipient of a PRO for all overcharges at the property. However, the DOE ruled that T.N.T. had rebutted the presumption in this case by demonstrating its lack of financial resources with which to refund the entire overcharge amount. The DOE determined that the overcharge refund liability should be divided among the three major working interest owners at the lease, who received over 77 percent of the overcharges and T.N.T. The DOE determined that this arrangement would accomplish the objectives of the enforcement proceeding in an equitable fashion without imposing an undue administrative burden upon the ERA. Accordingly, the PRO was modified and issued as a final Order of the DOE with respect to T.N.T.'s reduced refund liability, and was remanded to the Southwest Enforcement District for consideration of enforcement proceedings against the three major working interest owners.

Petitions for Special Redress

New York State Energy Office, Controller of the State of California, Commonwealth of Pennsylvania, State of Michigan, State of New Jersey, 7/15/82; HEG-0017, HEG-0018, HEG-0019, HEG-0020, HEG-0021

Five States filed Petitions for Special Redress seeking review of a consent order which the Department of Energy had entered into with the Permian Corporation. If the Petitions were to be granted, the Office of Hearings and Appeals would direct the DOE Economic Regulatory Administration and Permian to remit to OHA all undistributed proceeds of the consent order for distribution through the procedures set forth at 10 C.F.R. Part 205, Subpart V. The OHA determined that the States had exhausted their administrative remedies with respect to the consent order by filing comments when the consent order was published in proposed form in the Federal Register. The OHA therefore dismissed the States' Petitions with prejudice in accordance with 10 C.F.R. § 205.236(b)(2).

Request for Exception

Camden Fuel Oil Co., 7/12/82; HEE-0021

Camden Fuel Oil Company filed an Application for Exception from the reporting requirements set forth in Form EIA-9A, "No. 2 Distillate Price Monitoring Report." In considering the request, the DOE found that the firm had failed to demonstrate that it would suffer a gross inequity, serious hardship, or unfair distribution of burdens as a result of the reporting requirement. The DOE further found that the benefits which would be realized by access to the information exceeded the burden of providing the requested data. Accordingly, exception relief was denied.

Motion for Discovery

Otis Ainsworth, 7/16/82; BRD-0552; BRH-0552

Otis Ainsworth filed a Motion for Discovery and Motion for Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order issued to the firm by the Economic Regulatory Administration on November 15, 1979, in which it was found that Otis Ainsworth sold crude oil at prices in excess of applicable ceiling price levels. In considering the motions, the DOE determined that the Motion for Discovery should be granted with respect to the state-recognized property issue, and that the Motion for Evidentiary Hearing should be granted with respect to certain factual issues regarding historical downtime and recoupment of lost production. Accordingly, the Motion for Discovery and the Motion for Evidentiary Hearing were granted in part.

Interlocutory Orders

Atlantic Richfield Company, Gulf Oil Corp., Marathon Oil Co., Standard Oil Co., (Ohio), Texaco Inc., Louisiana Land & Exploration Co., 7/12/82; HRZ-0029, HRZ-0038, HRZ-0030, HRZ-0031, HRZ-0033, HRZ-0032

On March 15, 1982, the Atlantic Richfield Company, the Gulf Oil Corporation, the Marathon Oil Company, the Standard Oil Company (Ohio), Texaco Inc., and the Louisiana Land and Exploration Company (collectively "the producers") filed a motion to compel additional discovery with the Office of Hearings and Appeals (OHA) of the Department of Energy. In that motion, the producers sought discovery of certain documents which the office of Special Counsel for Compliance (OSC) of the DOE had identified in response to OHA's discovery order in *Atlantic Richfield Co.*, 5 DOE ¶ 82,521 (1980), and for which the OSC had asserted claims of privilege. In considering the motion, the OHA determined that the producers' motion should be granted in part. The OHA upheld the OSC's privilege assertions, for most of the documents at issue. In a number of instances, however, the OHA ordered the OSC to submit documents to the OHA for *in camera* review. Important issues that were considered in the decision were: (1) whether a litigation attorney properly may invoke the deliberative process privilege in discovery proceedings before the OHA; (2) whether the privilege index filed by the OSC was adequate; (3) whether factual portions of draft documents are protected by the deliberative process privilege; (4) whether, in claiming that a document is protected by the deliberative process privilege, the OSC is required to identify a specific decision to which the document is predecisional and to specify the deliberative process involved in the document; (5) whether the OSC is required to prove that each document for which it invokes the protection of the deliberative process privilege was not adopted as a final agency position; (6) whether the producers' need for the unofficial contemporaneous construction materials which were the subject of their motion is sufficient to overcome the protection of the deliberative process privilege; (7) whether the work product doctrine applies to documents prepared by non-lawyers; (8) whether draft Notices of Probable Violation are prepared in anticipation of litigation; (9) whether the producers' need for the materials which were the subject of their motion was sufficient to overcome the protection of the work product doctrine; and (10) whether the OSC waived its privilege claims for the documents in question by releasing—in the same or other proceedings—documents which relate in some fashion to the subject matter of the withheld documents.

Office of Special Counsel for Compliance, 7/16/82; HRZ-0034

The Office of Special Counsel for Compliance (OSC) filed a motion to compel the Atlantic Richfield Company (Arco) to produce further discovery pursuant to the decision in *Atlantic Richfield Co.*, 8 DOE ¶ 82,585 (1981). The Discovery related to Arco's objections to a Proposed Order of disallowance issued to the firm by OSC on May 1, 1980.

In considering the OSC motion, the DOE first found that Arco should be required to conduct an additional search for responsive documents, because the firm had conceded its search was inadequate. The DOE ordered Arco to respond to interrogatories propounded by the OSC concerning the scope of the initial search so the nature of the deficiencies in the initial search could be ascertained. The DOE also required Arco to provide OSC with certain material it had agreed in a stipulation with OSC it would furnish, but had failed to include in the discovery production. OSC's claim that Arco's answer to one of its interrogatories was incomplete was rejected.

The DOE additionally found the index of privileged documents Arco submitted in conjunction with its discovery production was inadequate since it could not discern accurately the contents of the documents Arco claimed were privileged. All of Arco's attorney-client privilege claims were therefore rejected. The DOE additionally determined that while Arco's descriptions of documents were not sufficient to sustain its attorney work product claims, they raised the substantial possibility that the majority of such documents were in fact privileged. Arco was instructed to submit more detailed claims for such documents. Arco was ordered to release the remaining documents listed in the privilege index to OSC.

Implementation of Special Refund Procedures

Office of Enforcement/C. K. Smith & Co. Inc., 7/16/82; HEF-0006

The Office of Enforcement of the Economic Regulatory Administration filed a Petition for the Implementation of Special Refund Proceedings pursuant to 10 C.F.R. Part 205, Subpart V requesting that the Office of Hearings and Appeals formulate and implement procedures to distribute refunds received as a result of a consent order entered into by the DOE and C.K. Smith & Company, Inc. Subsequently, the Boston Support Office of the Office of Regional Counsel submitted specific information regarding the customers that were allegedly overcharged by Smith during the Consent Order period. Accordingly, the DOE determined that the consent order funds

should be distributed to those customers on a volumetric basis.

Dismissal

The following submission was dismissed without prejudice:

Name and Case No.

Chevron U.S.A., Inc.—BEE-1632

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 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. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: August 19, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 82-23058 Filed 8-23-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Period of July 26 Through August 6, 1982

During the period of July 26 through August 6, 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 1111, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: August 17, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Kentucky Oil and Refining Co., Betsy Layne, Kentucky; HYX-0013 Crude Oil

On August 2, 1982, the Department of Energy issued a Proposed Decision and Order to Kentucky Oil and Refining Company that reviewed the firm's exception relief from entitlements purchases required by 10 C.F.R. § 211.67. the Proposed Decision and Order concluded that it was unnecessary to make any adjustment to the level of exception relief already granted for the firm's 1980 fiscal year.

State of Delaware, New York State Energy Office, State of Maine, Dover, Delaware, Albany, New York, Augusta, Maine; HEE-0027, HEE-0030, HEE-0033, Conservation

The State of Maine, the State of Delaware, and the New York State Energy Office filed Applications for Exception from the provisions of 10 C.F.R. § 455.83. The exception requests, if granted, would permit the states to use more than five percent of the funds allocated to them for the Institutional Conservation Program for state administrative costs. On August 2, 1982, the Department of Energy issued a Proposed Decision and Order which determined that the exception requests filed by New York and Maine be denied, and that the exception request filed by Delaware be granted in part.

[FR Doc. 82-23059 Filed 8-23-82; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects; Revision

AGENCY: Western Area Power Administration, DOE.

ACTION: Request for comments on this revision to the Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects which was published in the **Federal Register** at 46 FR 183, Part II, pages 46864-46874, September 22, 1981.

SUMMARY: The Western Area Power Administration (Western) published its Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects (Criteria) in the **Federal Register** on September 22, 1981, following an extensive informal public involvement process. A public comment forum at which interested parties were invited to comment on the Criteria was announced in the **Federal Register** on December 29, 1981, and was held in Las Vegas, Nevada, on January 21, 1982. As a result of the comments received, Western believes it is in the public interest to publish a revised Criteria for additional public comment prior to issuance of a final Criteria.

Western has developed the revised Criteria contained herein in an effort to promote the most widespread use of the resources available while recognizing, at the same time, the dependence the existing contractors have on their existing allocation of Boulder Canyon Project and Parker-Davis Project power. These Criteria propose to substantially renew existing amounts of capacity and energy, under new terms and conditions, to existing Boulder Canyon Project contractors and to offer for allocation to existing Parker-Davis Project contractors the capacity and energy presently available. Western will also offer to existing and new contractors capacity expected to be available from the Boulder Canyon Project Uprating Program (Uprating Program), the energy in excess of renewal amounts, additional Parker-Davis Project capacity and energy available due to operational integration, and Navajo Generating Station capacity and energy in excess of Central Arizona Project and Title I Salinity Control Project needs (as amended by Pub. L. 96-336, September 4, 1980).

With regard to the Boulder Canyon Project resource, Western proposes to make the additional capacity expected to be available from the Uprating Program and the energy in excess of renewal amounts, available in equal amounts for use within the marketing area in the States of Arizona, California, and Nevada. The result of this proposal would be:

To the State of Arizona (Arizona Power Authority):

1. More than doubles the present amount of Boulder Canyon Project capacity to be sold for use within Arizona (114 percent increase);

2. Increases the amount of Boulder Canyon Project energy to be sold for use within Arizona (33 percent increase); and

3. Contractually commits the United States for the term of the contract to deliver the stated quantity of energy annually (existing contracts do not commit the amount of energy to be delivered).

To entities within the State of California:

1. Makes available 188 MW of Boulder Canyon Project capacity beyond renewal amounts to be sold for use within California by both new and existing contractors;

2. Makes available 211 MkWh of Boulder Canyon Project energy beyond renewal amounts to be sold for use within California by both new and existing contractors; and

3. Contractually commits the United States for the term of the contract to deliver the stated quantity of energy annually (existing contracts do not commit the amount of energy to be delivered).

To the State of Nevada (Colorado River Commission):

1. Nearly doubles the present amount of Boulder Canyon Project energy to be sold for use within Nevada (99 percent increase);

2. Increases the amount of Boulder Canyon Project energy to be sold for use within Nevada (33 percent increase); and

3. Contractually commits the United States for the term of the contract to deliver the stated quantity of energy annually (existing contracts do not commit the amount of energy to be delivered).

With regard to the Parker-Davis Project resources, certain amounts of power are reserved for offers to existing contractors. Some of the existing contractors presently have allocations of power which may be withdrawn for priority use of the United States. Western proposes to convert one-half of the amount of withdrawable power presently allocated to nonwithdrawable power. Additional amounts of power, expected to be available from operational integration, will be made available to both new and existing contractors as withdrawable and nonwithdrawable capacity and energy. Parker-Davis Project resources will not be automatically renewed to existing contractors. Contractors must file an Application For Power if they desire an allocation.

With regard to the Navajo resource, Western will make the power in excess of Central Arizona Project and Title I Salinity Control Project (as amended by Pub. L. 96–336, September 4, 1980) available to both new and existing contractors. Quantities of capacity and energy in varying amounts are expected to be available in July 1984, and will be marketed under short-term arrangements until firm Central Arizona Project pumping schedules are established.

These Criteria provide the principles for the marketing of power from the resources in Western's Boulder City Area as capacity and energy become available. The availability of these resources will be dictated by the inservice dates of uprated Boulder Canyon Project generating units, the projected inservice dates of power-consuming features of the Central Arizona Project and the Title I Salinity Control Project (as amended by Pub. L. 96–336, September 4, 1980), and the termination of electric service contracts for each project.

DATES: An opportunity will be given all interested parties to present written or oral statements of data at a public comment forum which will be held in accordance with the Administrative Procedures Act and the Department of Energy Organization Act. The time, date, and location of the forum will be announced at a later date in the **Federal Register.**

ADDRESS: Written comments concerning the Criteria may be delivered at the public comment forum or mailed to the following address: Mr. Robert A. Olson, Area Manager, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005, (702) 293–8800.

SUPPLEMENTARY INFORMATION: Western received many responses during the informal public process to its solicitation for proposals, comments, and recommendations contained in the public information forums of September 19, 20, and 21, 1978; the April 24, 1979, **Federal Register** (44 FR 24153) notice; the public information forums of November 30, 1979, February 22, 1980, May 16, 1980, and August 29, 1980; and the Notice of Intent to Formulate Power Marketing Criteria published in the **Federal Register** on February 15, 1980. The informal process was completed and the Criteria was published in the **Federal Register** September 22, 1981, at 46 FR 183, Part II, pages 46864–46874. Several comments were received at the public comment forum held in Las Vegas, Nevada, on January 21, 1982, and additional comments were received prior to the close of the comment period on March 8, 1982. Since the close of the comment period, Western has met collectively and individually with the existing Boulder Canyon Project contractors to discuss matters related to contract renewal.

The comments received throughout the public process have been considered in the development of these revised Criteria. Some of the major areas addressed during the public process to develop the Criteria were: (1) The marketing area; (2) the future allocation of power; (3) the general terms and conditions for contracting, such as contract term, classes of power, operations, power delivery, and conservation measures; and (4) renewal contracts.

Throughout the public process, diverse positions specifically concerning the marketing of Boulder Canyon Project power have been advanced by States of Arizona and Nevada, the California Hoover allottees, and entities in other States. The Attorney General of the State of Nevada filed a legal opinion dated January 7, 1981, with Western entitled, "The Legal Position of the State of Nevada With Respect to the Next Allotment of Power from Hoover Dam." A second legal opinion dated January 21, 1982, entitled, "Supplemental Legal Memorandum of the State of Nevada and Arizona Power Authority, Commenting on the California Hoover Dam Power Allottees' September 10, 1981 Brief," was filed with Western at the January 21, 1982, public comment forum. Nevada's principal legal position is that it is statutorily entitled to one-third of the Boulder Canyon Project resource upon contract termination on May 31, 1987. Nevada contends that it has:

> * * * the same rights in this allotment of Hoover power as it had in the 1930 allotment, to wit, the right to purchase one-third of the Hoover output as well as any amount of Hoover power above one-third not purchased by the states of Arizona and California. The exercise of this right is subject only to the conditions that Nevada use the power in state, contract within six months of notice, contract on the same terms and conditions as any other contractor, and compensate present Hoover allottees which, by virtue of Nevada's exercise of its super-preference, do not obtain contract renewals. (Opinion, page 134.)

The California Hoover allottees, by letter dated August 11, 1981, restated their previous position concerning the marketing plan. Additionally, the California Hoover allottees filed a legal opinion dated September 10, 1981, with Western entitled, "Brief of the California Hoover Dam Power Allottees Re Rights of Renewal of Hoover Dam Power Contracts. A "Response of California Hoover Dam Power Allottees to Supplemental Legal Memorandum of the State of Nevada and Arizona Power Authority Community On The California Hoover Dam Power Allottee's September 10, 1981 Brief" was filed with Western on March 8, 1982. The California allottees argue that:

> * * * the Hoover Dam power allottees are entitled to the renewal of their power contracts on May 31, 1987, pursuant to Section 5(b) of the Project Act, upon such terms and conditions as may be authorized or required under the then existing laws and

regulations. Such regulations will be subject to the constraints of Section 8 of the Boulder Canyon Project Adjustment Act, which prohibits modification or change in any allocation of energy involved here without the consent of the allottee.

Secondly:

Section 5(c) of the Project Act does not empower the States of Nevada or Arizona or any other applicant to exercise a preference right to any of the power or energy heretofore allocated to the present Hoover Dam allottees upon the expiration of the initial term of their contracts. Indeed, since the so called "super-preference" claimed by Nevada never existed, it cannot now be invoked for any purpose. (Brief, page 111.)

An additional legal position dated March 5, 1982, entitled, "Brief of the Cities of Anaheim, Riverside, Banning, Colton and Azusa, California with Respect to the Next Allotment of Power from Hoover Dam," was also filed with Western. It is the cities' view that neither the State allottees nor the California allottees:

* * * has correctly construed the BCPA. What the law requires is that the power be allocated in accord with the broad public interest standard contained in the BCPA. In this context, public policy mandates that preference entities that have not previously enjoyed, and do not now enjoy, a direct allocation of Hoover power be allocated a share of the power produced at Hoover Dam. (Brief, Executive Summary, page 1.)

In addition to these briefs and legal opinions, representatives of entities in other States have advanced their various positions in writing, that they are entitled to share in the benefits of the Boulder Canyon Project resource after May 31, 1987.

The research performed by the various entities into the legislative history of the Boulder Canyon Project Act of 1928, and the records associated with the administrative interpretation of the act has been extensive. The arguments contained in the briefs and legal opinions have been articulated thoroughly. However, the conclusions reached using essentially the same record and papers differ greatly.

Western has considered and evaluated the effects of the legal positions advanced and has developed in these Criteria a marketing plan which, while it does not fully accommodate the major legal positions of the various parties, recognizes the dependence existing contractors have on their allocation of Federal power and makes a considerable amount of capacity and energy available to both existing and new customers.

Due to comments received, Western, in these Criteria, proposes to market Boulder Canyon Project power as contingent capacity, and has increased the amount of capacity available from the Boulder Canyon Project in excess of renewal offers, from 185 MW in the September Criteria to 564 MW in these Criteria. The September Criteria had capacity available only as peaking capacity without energy from the Parker-Davis Project in the winter season. In these Criteria, capacity with energy has been made available from the Parker-Davis Project in the winter season. Additionally, one-half of the Parker-Davis Project withdrawable power has been converted to nonwithdrawable power. Western believes that the proposal contained in these Criteria is a fair and reasonable plan for the marketing of the Federal resources of the Boulder Canyon Project, Parker-Davis Project and the Central Arizona Project (Navajo) and contains benefits for both new and existing contractors.

In accordance with section 501(b) of the Department of Energy Organization Act of 1977, Pub. L. 95–91, the following materials relative to the research performed, analysis made and other information in support of, the need for, and the probable effect of, the Criteria, are available for inspection and copying at the Boulder City Area Office:

1. Preliminary Environmental Assessment of Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects, Western Area Power Administration, August 1982.

2. Letter dated March 15, 1982, to Parties Commenting on the Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects. Transmits comments received prior to March 10, 1982.

3. Reporter's Transcript of Proceedings—Public Comment Forum for General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects, with exhibits 1–6, January 21, 1982.

4. Letter dated December 31, 1981, to Contractors and Interested Parties. Transmits **Federal Register** notice dated December 29, 1981, announcing public comment forum.

5. **Federal Register** (Vol. 46, No. 249), Tuesday, December 29, 1981, notices, page 62929. Announcement of January 21, 1982, public comment forum.

6. Letter dated September 30, 1981, to Contractors and Interested Parties. Transmits Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects.

7. **Federal Register** (Vol. 46, No. 183), Tuesday, September 22, 1981, notices, pages 46864–46874. Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects.

8. Letter dated August 11, 1981, to Mr. Robert A. Olson from California Hoover Allottees, Recites California allottees' position with regard to Boulder Canyon Project power marketing.

9. Letter dated July 23, 1981, to Contractors and Interested Parties. Transmits July 17, 1981, **Federal Register** (46 FR 37082) notice which deferred publication of the Proposed General Consolidated Power Marketing Criteria for Boulder City Area Projects and Regulations for the Boulder Canyon Project Renewal (Proposed Criteria) until September 11, 1981.

10. Letter dated July 19, 1981, to Boulder Canyon Project Contractors. Transmits letter dated June 30, 1981, from the State of Nevada, Division of Colorado River Resources, to Mr. R. A. Olson.

11. Letter dated June 30, 1981, from the State of Nevada, Division of Colorado River Resources to Mr. R. A. Olson. Requests delay in publication of the proposed Criteria.

12. Letter dated June 18, 1981, from the Arizona Power Authority to Mr. R. A. Olson. Requests delay in publication of the proposed Criteria.

13. Letter date June 12, 1981, from the State of Nevada, Division of Colorado River Resources, to Mr. R. A. Olson. Requests reply to Nevada legal opinion and other information.

14. Letter dated May 1, 1981, to State of Nevada, Division of Colorado River Resources. Replies to State's letter dated April 21, 1981.

15. Letter dated April 21, 1981, from the State of Nevada, Division of Colorado River Resources to Mr. R. A. Olson. Requests information concerning analysis of Nevada's legal opinion.

16. Letter dated April 9, 1981, to Contractors and Interested Parties. Transmits information regarding the schedule for completion of the General Consolidated Power Marketing Criteria for Boulder City Area Projects.

17. Letter dated January 27, 1981, to Contractors and Other Interested Parties. Transmits comments on December 12, 1980, letter regarding tentative schedule for completion of the General Consolidated Power Marketing Plan.

18. Letter dated December 12, 1980, to Contractors and Other Interested Parties. Transmits tentative calendar of events, staff discussion paper concerning Boulder Canyon Project issues (dated December 10, 1980), and the Proposed General Consolidated Power Marketing Criteria for Boulder City Area Projects.

19. Letter dated October 20, 1980, to All Parties Who Submitted Written Comments to the August 29, 1980, public information forum. Transmits comments on August 29, 1980, public information forum.

20. Consolidated Power Marketing Plan public information forum, August 29, 1980, presentation.

21. Consolidated Power Marketing Plan public information forum, August 29, 1980, slides.

22. Letter dated July 31, 1980, to Arizona Municipal Power User's Association. Transmits comments on May 16, 1980, public information forum.

23. **Federal Register** (Vol. 45, No. 147), Tuesday, July 29, 1980, notices, pages 50412 and 50413. Announcement of August 29, 1980, public information forum.

24. Letter dated July 25, 1980, to Contractors and Other Parties Interested in Future Power Marketing Criteria for the Boulder City Area. Notification of August 29, 1980, public information forum also transmitted Preliminary Draft Criteria.

25. Consolidated Power Marketing Plan public information forum, May 16, 1980, presentation.

26. Consolidated Power Marketing Plan public information forum, May 16, 1980, slides.

27. Letter dated May 2, 1980, to All Parties Who Submitted Written Comments to the February 22, 1980, public information forum. Transmits comments on February 22, 1980, public information forum.

28. **Federal Register** (Vol. 45, No. 72), Friday, April 11, 1980, notices, pages 24912 and 24913. Announcement of May 16, 1980, public information forum.

29. Consolidated Power Marketing Plan public information forum, February 22, 1980, presentation.

30. Consolidated Power Marketing Plan public information forum, February 22, 1980, slides.

31. **Federal Register** (Vol. 45, No. 33), Friday, February 15, 1980, notices, pages 10398 and 10399. Announces intent to formulate consolidated marketing criteria for the Boulder City Area projects.

32. Letter dated January 31, 1980, to Contractors and Other Parties Interested in the Consolidated Power Marketing Plan for the Boulder City Area. Notification of February 22, 1980, public information forum.

33. Letter dated January 30, 1980, to All Parties Who Submitted Written Comments on the Consolidated Power Marketing Plan. Transmits comments on March 28, 1979, letter and November 30, 1979, public information forum.

34. Consolidated Power Marketing Plan public information forum, November 30, 1979, proceedings of the meeting.

35. Errata sheet for November 30, 1979, Consolidated Power Marketing Plan public information forum proceedings of the meeting.

36. Consolidated Power Marketing Plan public information forum, November 30, 1979, slides.

37. **Federal Register** (Vol. 44, No. 213), Thursday, November 1, 1979, notices, pages 62938 and 62939. Announcement of November 30, 1979, public information forum.

38. **Federal Register** (Vol. 44, No. 80), Tuesday, April 24, 1979, notices, pages 24153 and 24154. Notice of request for written comments on the marketing of Boulder Canyon Project power.

39. Memorandum dated March 28, 1979, to Contractors and Other Parties Interested in Future Marketing Plans for Boulder Canyon Project power. Requests written comments on Future Marketing Plans for Boulder Canyon Project.

40. Navajo marketing meeting, Denver, Colorado, September 21, 1978, agenda and presentation.

41. Navajo marketing meeting, September 21, 1978, graphics to presentations.

42. **Federal Register** (Vol. 43, No. 178), Wednesday, September 13, 1978, notices, pages 40909 and 40910. Announcement of public meetings concerning marketing power from the Navajo Project, Page, Arizona.

Regulatory Procedural Requirements

1. Determination under Executive Order 12291: Western has determined that these Criteria are not a major rule under section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). This proposed rule has been submitted to the Director, Office of Management and Budget for review prior to publication in the **Federal Register.**

2. Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.): Each agency, when required by 5 U.S.C. 553 to publish certain rules, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of such rules on small entities. Western has determined that (1) this proposed rulemaking of particular applicability relates to allocation and selling of electric services in accordance with reclamation law by Western and, therefore, is not a rule within the purview of the Regulatory Flexibility Act; and, in any event (2) the impacts of such allocation and the selling of electric service by Western would not cause an adverse economic impact on a substantial number of those small entities provided for under the Regulatory Flexibility Act. The requirements of the act do not apply to the proposed rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entites. For the above reason, the Administrator of Western has certified that the Criteria are not a rule within the ambit of the Regulatory Flexibility Act. The Administrator's certification is published herewith and has been sent to the Chief Counsel for Advocacy of the Small Business Administration.

3. Environmental Assessment: The September 22, 1981, **Federal Register** notice indicated that the proposal cited therein did not constitute a major Federal action significantly affecting the environment. Since then, Western has conducted further analysis and study on the alternatives contained in the notice. Western has prepared a preliminary environmental assessment (EA) which is available for public review. The EA addresses the four alternatives of:

1. No action, essentially renewal in kind of existing Boulder Canyon Project capacity and offer for allocation of Parker-Davis Project capacity and energy.

2. One-third split of Boulder Canyon Project power and offer for allocation of Parker-Davis Project power.

3. Renewal of firm power to existing contractors and allocation of additional firm power and peaking power to existing and new customers.

4. Renewal of nameplate capacity and one-third split of additional uprated operating capacity of the Boulder Canyon Project power, offer for allocation of Parker-Davis Project power, and allocation of additional power as firm and peaking power.

The impact analysis deals with the effect these alternatives will have on the existing electrical system as well as the effect of the alternatives on the physical, natural, and social/economic environments.

Copies of the preliminary EA are available from the Boulder City Area Office.

Issued in Golden, Colorado, August 16, 1982.

Robert L. McPhail,

Administrator.

Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects (Revision), August 1982

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Part I. General

Section A. Purpose and Scope

In accordance with Federal power marketing authorities in reclamation law and the Department of Energy Organization Act of 1977, the Western Area Power Administration (Western) has developed these Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects (Criteria). These Criteria establish one set of general and uniform marketing principles for power generated at all Federal projects (Projects) under the marketing jurisdiction of Western's Boulder City Area Office. This document will serve as a new power marketing criteria for the Parker-Davis Project and Central Arizona Project (Navajo) resources, and will serve as the regulations for contract renewal and for the sale of power from the Boulder Canyon Project. The power generated at these Projects has been marketed under different power marketing guidelines or regulations. By consolidating the marketing of power from these Projects under common guidelines, the Federal system can be operated at improved efficiency within the constraints imposed by law, regulations, and treaties.

Section B. Authorities

These Criteria will be published by the Secretary of Energy acting by and through the Administrator of Western upon completion of the formal public involvement process. Federal power in the Boulder City Area is marketed in accordance with the power marketing authorities in Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and all acts amendatory thereof or supplementary thereto); the Department of Energy Organization Act of 1977, (91 Stat. 565); and in particular, those acts and amendments enabling the Boulder Canyon Project (45 Stat. 1057); Parker-Davis Project (49 Stat. 1028, 1039; 53 Stat. 1189, 68 Stat. 143); and the Colorado River Basin Project (82 Stat. 885, 88 Stat. 266, 94 Stat. 1063).

Section C. Contractual Information

Power contracts will be implemented as existing contracts and contract extensions terminate, and as increased or additional resources become available. The existing Boulder Canyon Project contracts terminate on May 31, 1987. The existing Parker-Davis Project contracts terminate on March 31, 1986. The Parker-Davis Project contracts will be extended through May 31, 1987, upon mutual agreement between Western and the individual contractor, in order to achieve contract termination dates coincident with the Boulder Canyon Project contracts. Navajo power surplus to the needs of the Central Arizona Project and Title I Salinity Control Project (as amended by Pub. L. 96–336, September 4, 1980), may be available as early as July 1984, in varying quantities, and will be marketed in accordance with these Criteria.

Western will negotiate power contracts with each contractor which will contain the terms and conditions and any special provisions which may be applicable to the power to be marketed under these Criteria. Separate exhibits to the contracts will identify such things as the amounts of capacity and energy to be delivered on a monthly basis from a particular Project, the point(s) of delivery, and the maximum rate of delivery at each point of delivery. These exhibits will be prepared and modified as necessary. If requested by the contractor, Western will endeavor to make adjustments in monthly firm energy deliveries to approximate the individual contractor's seasonal load pattern. The extent to which Western will make adjustments will be contingent upon monthly energy availability and required water releases.

The Projects will be operationally integrated to improve the efficiency of the Federal system in accordance with: the operational constraints of the Colorado River, hydro-project powerplants, and Navajo Generating Station, as may be imposed by the Secretary of the Interior or authorized representatives; applicable laws; the general terms, conditions, and principles contained in these Criteria; and the General Power Contract Provisions in effect which are applicable to a particular Project.

Long-term contract for Parker-Davis Project power will terminate September 30, 2007. Long-term contracts for Navajo power will terminate on September 30, 1997. Long-term contracts for Boulder Canyon Project power will terminate on September 30, 2007; *except* that the term of the contract for that amount of capacity developed from the Boulder Canyon Project Uprating Program (Uprating Program) that is financed by the entity receiving such allocation will not exceed a period of 20 years from the date such capacity is available for delivery. Long-term contracts for the Boulder Canyon Project and the Parker-Davis Project will be subject to an energy revision on October 1, 1997, if necessary, due to the results of then current hydrology studies.

Western will purchase energy, if necessary, specifically for the purpose of fulfilling the firm energy obligations of a particular Project. The cost of this energy will be reimbursed as an operating expense for that Project in the year in which it occurs.

The individual Projects will remain financially segregated for the purposes of accounting and Project repayment. The Boulder City Area rate schedules for each individual Project will be developed to satisfy cost recovery criteria for each Project. Cost recovery criteria for the Boulder Canyon Project and for the United States Navajo entitlement will be developed as part of a separate public process. The Parker-Davis Project cost recovery criteria is already established.

In general, the cost recovery criteria will include cost of production components such as operation and maintenance, amortization of long-term debt with interest, and other financial obligations of the Projects. The rate for Boulder Canyon Project power will include a component to provide for a contribution to the Lower Colorado River Basin Development Fund, in accordance with the Colorado River Basin Project Act of 1968.

In order to allow the Bureau of Reclamation (BuRec) to comply with required water releases, and to allow Western to receive purchased energy during offpeak load hours, all power contractors may be required to schedule a minimum rate of delivery during such offpeak hours. The minimum scheduled rate of delivery for Boulder City Area power shall be established on a seasonal basis, and may be increased or decreased as conditions dictate. The monthly minimum rate of delivery for each power contractor will be computed

by dividing the number of kilowatthours to be taken during the month by a contractor at the minimum rate of delivery, by the number of offpeak load hours in the month. For purposes of these Criteria, offpeak load hours are defined as the period from 11 p.m. to 7 a.m., daily, Monday through Saturday, and all day Sunday. The number of kilowatthours to be taken at the minimum rate of delivery will not exceed 25 percent of the contractor's monthly energy entitlement.

No contractor shall sell for profit any of the capacity and energy allocated to it to any customer of the contractor for resale by that customer.

Part II. Marketing Area

The marketing area for the Projects is defined in appendix A of these Criteria, and consists generally of southern California, southern Nevada, most of Arizona, and a small part of New Mexico. The Boulder City Area marketing area includes a limited portion of the Upper Colorado River Basin, in which the Navajo Generating Station is located, and most of the Lower Colorado River Basin, as defined in the Colorado River Compact.

Part III. Service Seasons

Power from all Projects will be marketed for delivery during two service seasons. These seasons are based upon historic water releases on the Lower Colorado River. Approximately 70 percent of the water is released from Lake Mead during the summer season and 30 percent is released during the winter season. The reduced water releases during the winter season allow for a period in which to perform generator maintenance.

BuRec is finalizing studies to provide a recommendation to the Secretary of the Interior concerning the location and size of a regulatory storage unit for the Central Arizona Project. Construction of a regulatory storage unit would give BuRec the operational flexibility to increase winter season pumping and reduce summer season pumping. This would allow for marketing of Navajo power surplus to the Central Arizona Project needs during both the summer and winter seasons. The length of service season for Navajo power will depend upon such factors as the construction of the storage unit, the size of the storage unit, and Navajo outage schedules. Initially, the service seasons for delivery of Navajo power will coincide with the following seasons, which are established for all Projects.

Section A. Summer Season

The summer season for any calendar year is the 7-month period beginning the first day of the Boulder City Area Office's March billing period and continuing through the last day of its September billing period.

Section B. Winter Season

The winter season is the 5-month period beginning the first day of the Boulder City Area Office's October billing period, for any calendar year, and continuing through the last day of its February billing period in the next succeeding calendar year.

Part IV. Navajo Generating Station

Navajo Generating Station power, which is surplus to the Federal uses of the Central Arizona Project and Title I Salinity Control Project (as amended by Pub. L. 96–336, September 4, 1980), and not used to firm Federal hydroelectric contract commitments within the Colorado River Basin, will be allocated in accordance with the preference provisions of section 9(c) of the Reclamation Project Act of 1939, in the following order:

1. Preference entities within the Boulder City marketing area;
2. Preference entities in adjacent Federal marketing areas; and
3. Nonpreference entities in the Boulder City marketing area.

In the event that a potential contractor fails to place such power under contract within a reasonable period, as specified by the United States and in accordance with the terms and conditions offered by the United States, the amounts of power released by such failure will be reallocated in accordance with the preceding preference order.

Short-Term Power. The Central Arizona Project is scheduled to begin pump testing operations in July 1984. At that time varying amounts of power may be available and will be marketed under short-term arrangements.

Long-Term Firm Power. The maximum seasonal capacity entitlement for long-term firm power shall be available to a contractor during each month of the service season to meet the contractor's load requirement. The amount of energy associated with long-term firm power shall be the amount of energy specified in these Criteria and in Boulder City Area power sales contracts.

The amounts of capacity and energy currently estimated to be available after May 31, 1987, are as follows:

Navajo Available for Allocation

Season	MW	MkWh	kWh/kW
Winter	50	109	2,180

The additon of a regulatory storage unit for the Ceneral Arizona Project is expected to allow for the marketing of additional power from the Navajo resource. The amount of power available on a seasonal basis will be determined by the size of the storage unit, utility exchange arrangements, and Central Arizona Project operation plans. Western will market the additional power, when it becomes available, in accordance with these Criteria.

Navajo power will be delivered at the McCullough and Westwing Substations and other points on the Central Arizona Project system as may be available. If the contractor cannot take delivery of Navajo power into its own system at these delivery points, transmission service arrangements to other delivery points will be the obligation of the contractor.

Part V. Parker-Davis Project

Certain amounts of Parker-Davis Project power are reserved for allocation offers to existing Parker-Davis Project contractors and for priority uses by the United States.

Power reserved for United States priorty use is capacity and energy which is reserved for Federal reclamation project use and irrigation pumping on certain Indian lands. Requests for withdrawals for Federal reclamation project use power and Indian irrigation pumping power have equal priority.

"Federal reclamation project use" power is defined for these Criteria to mean that capacity and energy which is needed for Federal reclamation projects in the Lower Colorado River Basin. Such projects are Federal reclamation facilities established for the protection and drainage works along the lower Colorada River. The following is a list of projects for which Federal reclamation project use power is reserved: relift and drainage pumps; constrution camp sites; Yuma-Mesa Irrigation and Drainage District; Gila Project drainage pumps; Wellton-Mohawk Irrigation and Drainage District Plant Nos. 1, 2, and 3; and Colorado River Front Work and Levee System.

Power for "irrigation pumping on certain Indian lands" is defined for these Criteria to mean Federal capacity and energy for use in irrigation pumping on Indian irrigation projects which are adjacent to the lower Colorado River south of Davis Dam and north of the

border between the United States and Mexico.

When priority use power is requested, Western will substantiate that the power to be withdrawn will be used for the specified purpose, and then will withdraw the necessary amount of power upon a 2-year advance notice. Withdrawals of power will be made as requested and substantiated until the total amount of power reserved for priority use purposes is in use.

Power surplus to that reserved for United States priority uses and that reserved for allocation to the existing contractors will be allocated in accordance with preference provisions of section 9(c) of the Reclamation Project Act of 1939, in the following order:

1. Preference entities within the Boulder City marketing area;
2. Preference entities in adjacent Federal marketing areas; and
3. Nonpreference entities in the Boulder City marketing area.

In the event that a contractor or potential contractor fails to place such power under contract within a reasonable period, as specified by the United States in accordance with the terms and conditions offered by the United States, the amounts of power released by such failure will be reallocated in accordance with the preceding preference order.

Long-Term Firm Power. Western will offer the existing Parker-Davis Project contractors an opportunity to file an Application For Power for nonwithdrawable and priority use withdrawable firm power. The existing allocations are as follows:

Long-Term Firm Power From Parker-Davis Project

Energy available to long-term firm power contractors will be equal to 3441 kWh/kW in the summer season and 1703 kWh/kW in the winter season.

Contractor (Ref. app. B)	Summer season kilowatts			Winter season kilowatts		
	Withdrawable	Nonwithdrawable	Total	Withdrawable	Nonwithdrawable	Total
EXISTING						
AEPCO		23,800	23,800		18,400	18,400
Mesa		10,450	10,450		8,000	8,000
CRIR		5,500	5,500		4,200	4,200
CRC (Nevada)	8,750	49,050	57,800	5,250	36,300	41,550
EAFB	2,150	16,350	18,500	1,310	13,450	14,760
ED-3	3,300		3,300	2,320		2,320
IID		32,550	32,550		26,300	26,300
SRP		31,700	31,700		22,500	22,500
SCIP	2,150	15,250	17,400	1,310	11,950	13,260
Thatcher		350	350		250	250
WMIDD	1,000	2,200	3,200	660	1,850	2,510
YID		1,600	1,600		1,300	1,300
YPG	2,150	3,300	5,450	1,310	2,900	4,210
Subtotal	19,500	192,100	211,600	12,160	147,400	159,560
EXISTING PRIORITY USES						
Federal	39,000	24,700				
CRIR	3,400	1,740				
Subtotal	42,400	26,440				
Total	254,000	186,000				

Western will also make available for allocation the power in excess of the amounts to be allocated to the existing Parker-Davis Project contractors. Amounts of power which are estimated to be available for allocation after May 31, 1987, are as follows:

ADDITIONAL PARKER-DAVIS PROJECT POWER AVAILABLE FOR ALLOCATION

Season	Kilowatt-hours	Thousand kilowatt-hours	Kilowatt-hours/kilowatts
Nonwithdrawable summer	20,250	70	3,441
Withdrawable summer	9,750	34	3,441

ADDITIONAL PARKER-DAVIS PROJECT POWER AVAILABLE FOR ALLOCATION—Continued

Season	Kilowatt-hours	Thousand kilowatt-hours	Kilowatt-hours/kilowatts
Nonwithdrawable winter	20,250	34	1,703
Withdrawable winter	6,080	10	1,703

Withdrawable power will continue to be subject to a 2-year withdrawal notice. In the event that withdrawals for priority use purposes are made prior to June 1, 1987, the amount of power available as withdrawable power will be reduces on a pro rata basis.

Western has issued withdrawal notices to existing Parker-Davis Project contractors having withdrawable power, that power will be withdrawn for use by the Fort Mojave Indian Tribe in the amounts of 1.97 MW, summer season, and 1.2 MW, winter season, with associated energy. These amounts of power will proportionally reduce the withdrawable power reserved for renewal offers and the withdrawable power available for allocation as if the withdrawal had been made after May 31, 1987.

Western advised the city of Needles, California (Needles), by letter dated January 18, 1979, that the Deputy Secretary, Department of Energy, had elected to make power available to Needles under similar terms and conditions as that which was available to Needles under terminated Contract No. 14-06-300-802. This option is available to Needles until January 18, 1983, if Needles meets the requirements to become a preference customer. If Needles exercises this option, Western will offer Needles the following amounts of power from the Parker-Davis Project for the post-1987 contract period:

5,100 kW.....17,800,868 kWh Summer
4,064 kW.....6,752,053 kWh Winter

Amounts of nonwithdrawable power available for allocation from the Parker-Davis Project would be reduced accordingly.

Long-Term Peaking Power. Long-term peaking power is estimated to be available from the Parker-Davis Project and will be offered in the following amounts:

PARKER-DAVIS PROJECT POWER AVAILABLE FOR ALLOCATION

Season	Megawatts
Summer	10
Winter	10

Peaking power without energy is intended to have assured availability to the contractor during peak periods of the day.

The maximum seasonal entitlement for long-term peaking power shall be available to a contractor during each month of the service season.

The energy available to deliver Boulder City Area long-term peaking power will average 40 kWh/kW/week in the summer season and 20 kWh/kW/week in the winter season. This amount of energy, plus losses, is to be returned by the contractor receiving the peaking power at mutually agreed upon times

and rates of delivery, normally during offpeak load hours within a 7-calendar-day period following use. Offpeak load hours are defined in part I, section C of these Criteria.

If a contractor having an allocation of long-term firm power also receives an allocation of peaking power, the peaking power may be used within that contractor's energy entitlement and no return of energy will be required.

Parker-Davis Project power will be delivered to designated points of delivery shown in appendix C.

Part VI. Boulder Canyon Project

Long-Term Contingent Power. Electric service renewal contracts for long-term contingent power under new terms and conditions will be offered to existing Boulder Canyon Project contractors in the following amounts:

LONG-TERM CONTINGENT POWER RESERVED FOR CONTRACT OFFERS TO EXISTING BOULDER CANYON PROJECT CONTRACTORS

Contractor (Ref. app. D)	Capacity (kilowatts)		Energy (megawatt-hours)	
	Summer	Winter	Summer	Winter
MWD	247,500	215,700	904,126	387,482
LADWP	396,875	345,975	393,299	168,557
SCE	287,500	250,600	203,485	87,208
Glendale	18,000	18,000	47,398	20,313
Pasadena	11,000	11,000	40,656	17,424
Burbank	5,125	5,125	14,811	6,347
APA (Arizona)	165,000	143,800	452,192	193,797
CRC (Nevada)	189,000	164,800	452,192	193,797
Boulder City	19,300	19,300	56,000	24,000
Bureau of Mines	700	700	1,085	465
Total	1,340,000	1,175,000	2,565,244	1,099,390

Contingent capacity is capacity which is normally available, except during either forced or planned outages that affect powerplant capability. Capacity reductions, when necessary, will be on a pro rata basis among all of the Boulder Canyon Froject contractors. Winter season capacity will depend primarily upon the number of generating units removed from service for maintenance by BuRec.

Each Boulder Canyon Project contractor will also contractually agree to supply their own reserves for Boulder Canyon Project power to meet minimum Western Systems Coordinating Council reserve requirements.

BuRec is currently planning an Uprating Program (Uprating Program) which would increase the nameplate rating of the Boulder Canyon Project from 1,340 MW to approximately 1,814 MW at rated head. BuRec is proposing that a portion of the Uprating Program be financed with Federal funds and the remaining portion of the Uprating Program be financed with contributed funds provided by the contractor receiving the allocation. The development aud subsequent delivery of the non-Federally financed capacity will be contingent upon the contractor finalizing financing agreements with the United States.

The Uprating Program will be constructed in stages and is scheduled to be completed in early 1991. Power contracts will become effective on June 1, 1987, and will contain an estimated schedule for power deliveries as the Uprating Program is completed.

Current hydrology studies by BuRec indicate that the generating capability of the Boulder Canyon Project Powerplant, from completion of the Uprating Program until 1997, will very likely be able to support the marketing of 1,904 MW due to high reservior elevations. Western believes that it is in the public interest to allocate the additional 90 MW above the nameplate rating of the uprated powerplant.

The amounts in excess of renewal proposed to be allocated for use in the Boulder City marketing area within the States of Arizona, California, and Nevada are:

	Capacity (megawatts)		Energy (million Kilowatt-hours)		Kilowatt-hours/ Kilowatts	
	Summer	Winter	Summer	Winter	Summer	Winter
Arizona (Arizona Power Authority)	188	160	148	64	787	432
California (Various entities)	188	160	148	64	787	432
Nevada (Colorado River Commission)	188	160	148	64	787	432

In the event that a contractor or potential contractor fails to place power under contract within a reasonable period, as specified by the United States and in accordance with the terms and conditions offered by the United States, or fails to provide contributed funds, the amounts of power released by such failure will be reallocated.

The amount of capacity available due to high reservoir elevations is subject to reduction on an annual basis after October 1, 1997, based on predicted reservoir elevations.

In the event that any part of the Uprating Program is not completed, the total amount of contingent capacity initially allocated to contractors will be reduced on a proportional basis. Power reserved for renewal to existing Boulder Canyon Project contractors will not be affected. If, subsequent to such a capacity reduction, the Uprating Program is reinstated in whole or in part, the amounts initially allocated will be restored to the contractors in proportionate amounts as the upratings are completed.

BuRec is also planning a Hoover Modification Program which would further increase the nameplate rating of the Boulder Canyon Project Powerplant by approximately 500 MW at rated head. If developed by BuRec, marketing of that resource will be addressed by Western at that time.

Contracts for Boulder Canyon Project power will allow for a reduction in capacity due to generating unit outages caused by forced outages or maintenance schedules. This reduction will be based on the ratio each entity's allocation of Boulder Canyon Project capacity bears to the total Boulder Canyon Project capacity marketed, multiplied by the amount of capacity removed from service.

Boulder Canyon Project power will be delivered at Mead Substation and designated Hoover Switchyards. If a contractor cannot accept delivery of Boulder Canyon Project power at Mead Substation or the designated Hoover Switchyard, transmission service arrangements to other delivery points will be the obligation of the contractor.

Part VII. Nonfirm Power and Other Agreements

1. *Short-Term Interruptible Power.* Interruptible power may be available under contracts which permit curtailment of delivery by the Boulder City Area.

To the extent that capacity and energy in excess of long-term contract commitments become available, short-term interruptible power may be offered on an if-, as-, and when-available basis. Contracts for short-term interruptible power will be offered on a seasonal or monthly basis as conditions permit.

Western will continue to engage in a fuel replacement program in the Boulder City Area. Purchased energy and project generated energy in excess of long-term contract commitments may be offered as fuel replacement energy.

2. *Short-Term Firm Power.* To the extent that capacity and energy in excess of long-term contract commitments become available, short-term firm power may be offered. Contracts for short-term firm power will be offered on a seasonal, monthly, or yearly basis as conditions permit.

3 *Other Agreements.* Western, at its administrative discretion, may enter into interchange agreements, reserve agreements, load regulation agreements, exchange agreements, maintenance and emergency service agreements, power pooling agreements or other transactions.

Notwithstanding the procedures in part VIII, section A hereof, within the constraints of river operation, Western intends to permit the Boulder Canyon Project contractors to schedule loaded and unloaded synchronized generation, the sum of which cannot exceed the power reserved for renewal offer to the individual contractor. To the extent that energy entitlements are not exceeded, such previously scheduled unloaded synchronized generation may be used for regulation, ramping, and spinning reserves through the use of a dynamic signal. These functions will be developed by Western, in cooperation with the Boulder Canyon Project contractors, and implemented by contract and through written operating instructions.

Energy used for the purpose of supplying unloaded synchronized generation to Boulder Canyon Project contractors will be supplied by the individual contractors as specified in the power contracts.

Part VIII. Conditions of Delivery

Western, in cooperation with the contractor, will establish scheduling and accounting procedures based upon standard utility industry practices. These procedures shall be set forth in separate written instructions. Subject to Western's approval as to location and voltage, delivery will be made at Boulder City Area transmission system voltages, but not normally less than 69 kilovolts. Subject to Western's approval, deliveries will continue to be made at lower voltages at powerplant and substation locations to contractors already receiving such deliveries from Western.

Section A. Scheduling

Deliveries of Boulder City Area power shall be scheduled in advance in accordance with procedures set forth in written instructions. These procedures shall provide for the adoption of schedules to the needs of day-to-day or hour-by-hour operations. Said procedures shall also specify the conditions under which actual deliveries, which are greater or less than scheduled deliveries during the month of a particular season, shall be adjusted in later deliveries in subsequent months of that season.

Section B. Accounting

Deliveries of Boulder City Area power will normally be accounted for on the basis of advance schedules, in accordance with the procedures set forth in written instructions. The written instructions shall include procedures for determining amounts of Boulder City Area power delivered to the contractor at each point of delivery and the procedures for determination and delivery of losses.

Section C. Designated Points of Delivery

Delivery will be made at designated points on the Boulder City Area transmission system at rates of delivery not to exceed the available capability of the transmission system. The designated points of delivery and transmission systems are those specified by appendix C and appendix E, respectively, and may be modified as required.

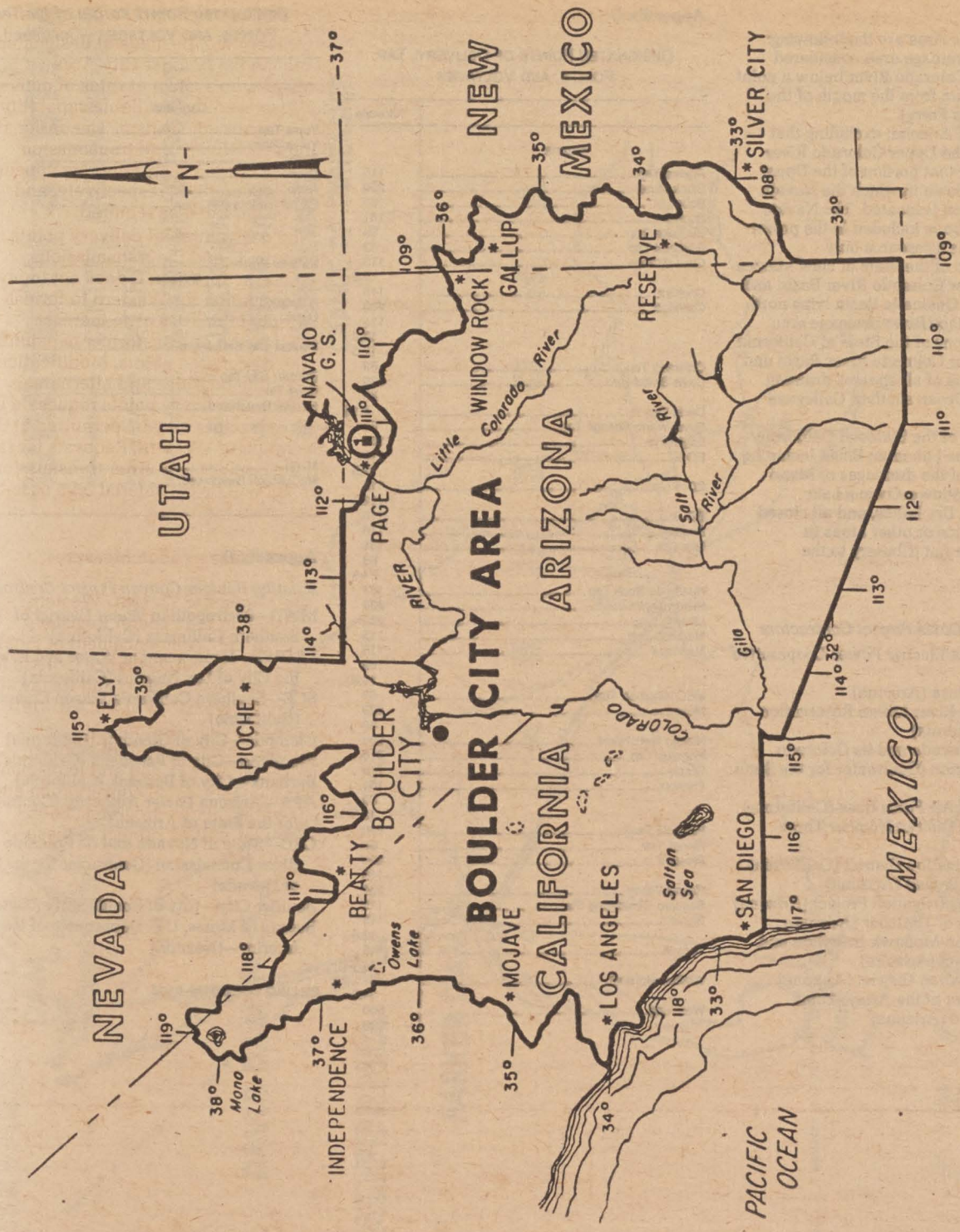
The designation of delivery points in appendix C and the transmission systems in appendix E does not imply any obligation for Western to furnish additional facilities or to increase transmission or transformer capabilities at the designated points. Modifications to existing facilities and alternate or additional delivery points requested by the contractors may be permitted at the discretion of Western. Requests for taps on the Boulder City Area transmission system will be considered on a case-by-case basis.

Part IX. Conservation Measures

On November 13, 1981, Western published in the **Federal Register** a notice of the "Announcement of Final Guidelines and Acceptance Criteria for Customer Conservation and Renewable Energy Programs" (Vol. 46, No. 219). These guidelines outline the requirements for Western's power contractors to develop and implement their own individual conservation and renewable energy programs. Each contractor will be subject to these guidelines.

BILLING CODE 6450-01-M

APPENDIX A



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Appendix A

Included in this Area are the following:

A. All of the drainage area considered tributary to the Colorado River below a point 1 mile downstream from the mouth of the Paria River (Lee's Ferry).

B. The State of Arizona, excluding that portion lying in the Upper Colorado River Basin, except for that portion of the Upper Colorado River Basin in which the Navajo Generating Station is located. The Navajo Generating Station is included in the power marketing area as a resource only.

C. That portion of the State of New Mexico lying in the Lower Colorado River Basin and the independent Quemada Basin lying north of the San Francisco River drainage area.

D. Those portions of the State of California lying in the Lower Colorado River Basin and in drainage basins of all streams draining into the Pacific Ocean south of Calleguas Creek.

E. Those parts of the States of California and Nevada in the Lahontan Basin including and lying south of the drainages of Mono Lake, Adobe Meadows, Owens Lake, Amargosa River, Dry Lakes, and all closed independent basins or other areas in southern Arizona not tributary to the Colorado River.

Appendix B

Existing Parker-Davis Project Contractors

AEPCO—Arizona Electric Power Cooperative (Arizona)
Mesa—City of Mesa (Arizona)
CRIR—Colorado River Indian Reservation (Arizona, California)
CRC—State of Nevada and its Colorado River Commission (Contractor for the State of Nevada)
EAFB—Edwards Air Force Base (California)
ED-3—Electrical District Number Three (Arizona)
IID—Imperial Irrigation District (California)
SRP—Salt River Project (Arizona)
SCIP—San Carlos Irrigation Project (Arizona)
Thatcher—Town of Thatcher (Arizona)
WMIDD—Wellton-Mohawk Irrigation and Drainage District (Arizona)
YID—Yuma Irrigation District (Arizona)
YPG—Department of the Army, Yuma Proving Ground (Arizona)

Appendix C

DESIGNATED POINTS OF DELIVERY, TAP POINTS, AND VOLTAGES

	Kilovolts
Arizona	
Adams Tap	115
Black Mesa	230
Bouse	161
Buckeye	161
Buckskin Tap	69
Bullhead Tap	69
Casa Grande	115
	12.5
Cochise	115
Coolidge	230
	115
	13.8
	12.5
Colorado Tap	69
Davis Switchyard	230
	69
Davis Tap	4.16
Duval-Warm Springs Tap	69
Eagle Eye	161
ED-2	115
	12.5
ED-4	115
	12.5
ED-5	115
Empire	115
Gila	161
	69
	34.5
Headgate Rock Tap	161
Hilltop Tap	230
Liberty	230
Marana	115
Maricopa	115
	69
	13.8
MEC Kingman Tap	69
Mesa	230
	69
Navajo Switchyard	500
Nogales Tap	115
Oracle	115
Phoenix	161
	69
	12.5
Pinnacle Peak	230
Planet Tap	69
Prescott	230
	115
Round Valley	230
Saguaro Generating Station	115
Signal	115
	12.5
Tucson	115
	14.4
Wellton-Mohawk	161
	34.5
Westwing	500
	230

DESIGNATED POINTS OF DELIVERY, TAP POINTS, AND VOLTAGES—Continued

	Kilovolts
California	
Yuma Tap	34.5
Yuma Mesa	34.5
Blythe	161
Gene	230
Knob	161
Parker Switchyard	230
	161
	69
	34.5
Senator Wash	69
Nevada	
Amargosa	138
Basic	230
	13.8
Boulder City Switchyard	69
	2.4
Boulder City Tap	230
Clark Tie	230
Hoover Switchyard	287.5
	230
	138
	69
Mead	230
McCullough Switchyard	500
	230

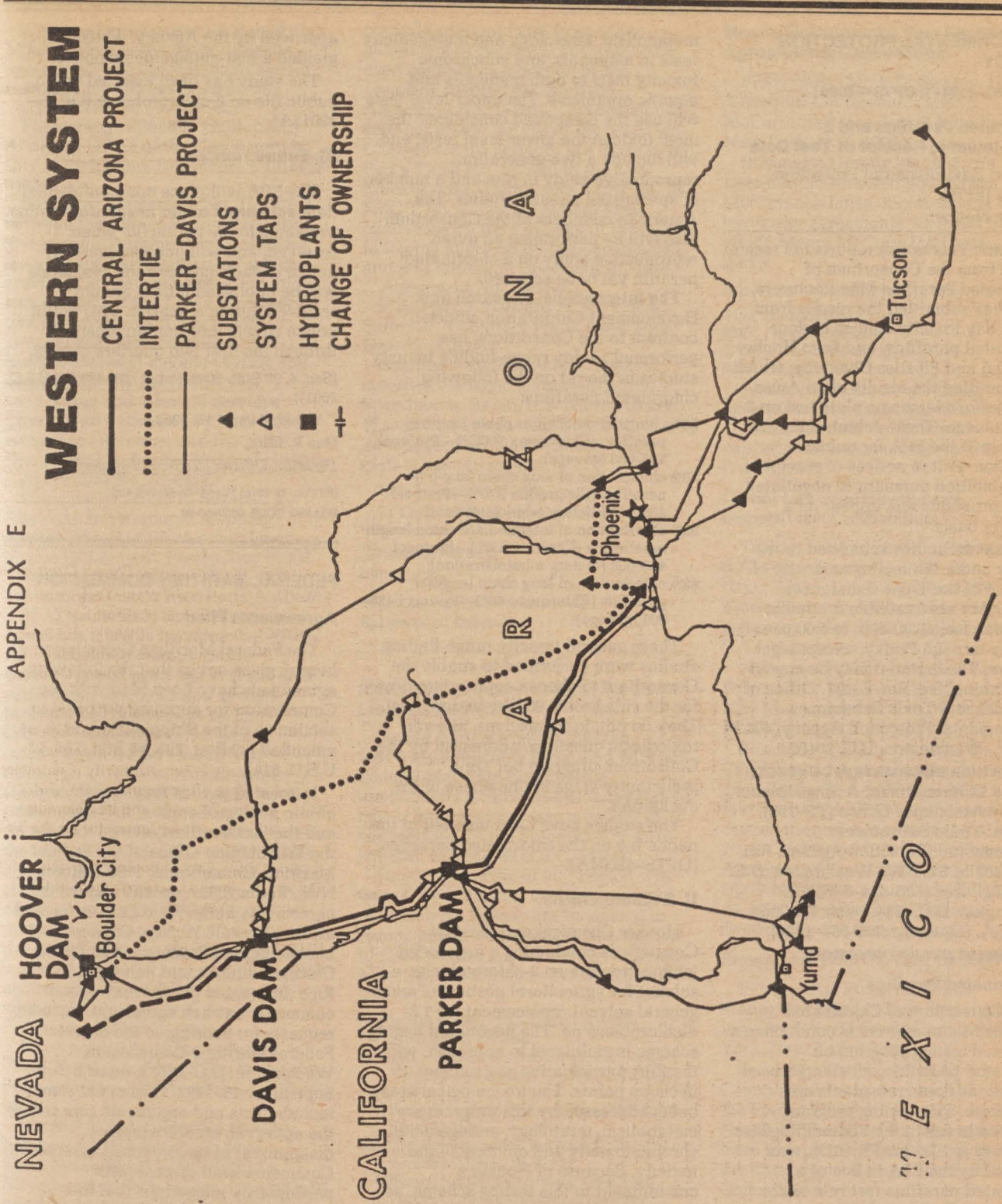
Appendix D

Existing Boulder Canyon Project Contractors

MWD—Metropolitan Water District of Southern California (California)
LADWP—Department of Water and Power, the City of Los Angeles (California)
SCE—Southern California Edison Company (California)
Glendale—City of Glendale (California)
Pasadena—City of Pasadena (California)
Burbank—City of Burbank (California)
APA—Arizona Power Authority (Contractor for the State of Arizona)
CRC—State of Nevada and its Colorado River Commission (Contractor for the State of Nevada)
Boulder City—City of Boulder City (Nevada)
Bureau of Mines, U.S. Department of the Interior—(Nevada)

BILLING CODE 6450-01-M

APPENDIX E



[FR Doc. 82-23163 Filed 8-23-82; 8:45 am]

BILLING CODE 6450-01-C

ENVIRONMENTAL PROTECTION AGENCY

[TSH-FRL 2194-1; OPTS-44000]

Chlorinated Paraffins and 2-Chlorotoluene; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice reports the receipt of data from the Consortium of Chlorinated Paraffins Manufacturers, which has submitted the results from four 14-day toxicity studies on four chlorinated paraffins, and from Hooker Chemical and Plastics Company, which has submitted the results of an Ames *Salmonella*/microsome plate test on 2-chlorotoluene. These submissions are available at the EPA for public inspection. Future notices of receipt of data submitted pursuant to negotiated testing programs will appear on a quarterly basis.

ADDRESSES: Studies submitted to the Agency under the testing authority of section 4 of the Toxic Substances Control Act are available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. The material may be copied for a nominal fee. Rm. E-107, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460; Toll free (800-424-9065); In Washington, D.C. (554-1404), Outside the U.S.A. (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Chlorinated Paraffins

The Consortium of Chlorinated Paraffins Manufacturers is conducting a negotiated testing program on chlorinated paraffins, substances used primarily as flame retardants and plasticizers. This testing program, described in full in the **Federal Register** of January 8, 1982 (47 FR 1017), was accepted by the EPA in lieu of a chlorinated paraffins test rule under section 4 of the Toxic Substances Control Act. The negotiated testing program is a two-level testing scheme on four chlorinated paraffins of differing chain length and degree of chlorination. All four of the chlorinated paraffins will be tested in some of the lower-level tests while other studies will test fewer. These lower-level tests include metabolism, teratology and mutagenicity tests in mammals, and subchronic toxicity tests in both mammals and aquatic organisms. The upper-level tests will use the compound considered the most toxic in the lower-level tests, and will include a two-generation reproductive study in rats and a number of specialized aquatic studies. The American members of the Consortium also will be performing an avian reproductive study on a chlorinated paraffin yet to be selected.

The International Research and Development Corporation, under contract to the Consortium, has performed 14-day range-finding toxicity studies in the rat on the following chlorinated paraffins:

58% chlorination of short chain length n-paraffins (Chlorowax 500C®)—Protocol 438-006 (gavage);
70% chlorination of long chain length n-paraffins (Electrofine S70®)—Protocol 438-004 (dietary administration);
52% chlorination of intermediate chain length n-paraffins (Cereclor S52®)—Protocol 438-003 (dietary administration);
43% chlorination of long chain length n-paraffins (Chlorowax 40®)—Protocol 438-005 (gavage).

These general toxicity range-finding studies were performed to enable the Consortium to choose appropriate doses for the subchronic 90-day toxicity test. They do not, in themselves, answer toxicologic questions addressed by the Consortium program but are a preliminary stage in one phase of the evaluation.

The studies have been inserted in the public file on the chlorinated paraffins (OPTS-42004A).

II. 2-Chlorotoluene

Hooker Chemical and Plastics Company is conducting a negotiated testing program on 2-chlorotoluene, a solvent for agricultural pesticides and a general solvent replacement for 1,2-dichlorobenzene. The negotiated testing scheme is multilevel in approach, with the EPA participating at a number of decision points. The toxicological areas being addressed by this program are metabolism, teratology, mutagenicity, chronic toxicity and environmental toxicity. Because of Hooker's commitment to this testing scheme, as detailed in the **Federal Register** of April 28, 1982 (47 FR 18172), the EPA decided that it would not propose a 2-chlorotoluene test rule under section 4 of the Toxic Substances Control Act.

Litton Bionetics, under contract to Hooker Chemical, has performed an Ames *Salmonella*/microsome plate test on 2-chlorotoluene, using a protocol approved by the Agency, which has yielded a non-mutagenic response.

The study has been inserted in the public file on 2-chlorotoluene (OPTS-42011A).

III. Future Notices

The EPA will place non-confidential data submitted under negotiated testing programs in the public file when received, and will publish quarterly notice of such submissions. No notice will be published if data are not received during a quarter. This initial notice covers information received through the first two quarters of 1982.

(Sec. 4, 90 Stat. 2006, Pub. L. 94-469 (15 U.S.C. 2601))

Dated: August 16, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82-23145 Filed 8-23-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 13, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-3501-2.

Filing party: Malcolm Hunter, City Attorney, Office of the City Attorney, City of Richmond, Richmond, California 94804.

Summary: Agreement No. T-3501-2 between the City of Richmond (City) and Matson Terminals, Inc. (Matson) modifies the basic agreement which provides for Matson's operation and management of the City's container terminal. Agreement No. T-3501-2 provides that Matson shall collect charges assessed against vessels and cargo under any agreements for stevedoring and terminal services entered into between City and vessel owners or operators, and that such charges will be treated as tariff charges.

Agreement No.: T-4058.

Filing party: David R. Segarra, Jr., President, International Shipping Agency, Inc., Ave. Fernandex Juncos Muelle II, San Juan, Puerto Rico 00903.

Summary: Agreement No. T-4058, between the Puerto Rico Ports Authority (PRPA) and International Shipping Agency, Inc. (ISA) provides that PRPA will lease to ISA certain berth, warehouse and open space areas on a perferential use basis and certain facilities and open space on an exclusive use basis, to be used in connection with the loading and discharge of vessels, handling and storage of cargo and the handling of passengers. ISA will pay to PRPA certain agreed to monthly rental fees for the various leased areas and facilities, and will pay port wharfage and dockage charges normally assessed by the Port or a minimum annual payment of $125,000, whichever is higher, plus demurrage and any other charges which would normally be assessed by the Port against vessels and their cargo. The term of the agreement is 3 years.

Agreement No.: T-4059.

Filing party: Mr. Roger L. Peters, Traffic Manager, Port of San Francisco, Ferry Building, San Francisco, California 94111.

Summary: Agreement No. T-4059, between the San Francisco Port Commission (Port) and California Stevedore and Ballast Company (CS&B) provides for the operation by CS&B of an area within Pier 80, Shed D, in the Port of San Franciso, to be utilized as a container freight station and a freight distribution station. The agreement provides for the distribution of cargoes from and to rail cars and piggy-back trailers consigned to multiple pier destinations in San Franciso, and for the consolidation into and from ocean containers as required. The area to be used constitutes a portion of the premises covered by approved Agreement No. T-2813. CS&B shall pay $800 per month for use of the premises. Charges for the services are those in the Port's Tariff No. 11, and in the San Francisco Bay Carloaders Tariff No. IC, FMC T No. 2. The agreement shall commence on the final day of the month following approval by the Commission and will terminate December 31, 1984.

Agreement No.: 9982-17.

Filing party: Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 9982-17 modifies the basic agreement of the Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference to clarify its independent action clause and restate the agreement.

Dated: August 18, 1982.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-23183 Filed 8-23-82; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Guillermo S. Diaz, 103-22 51st Avenue Flushing, NY 11368

Edward J. Zarach & Associates, Inc., 4849 N. Scott Street, Suite 104, Schiller Park, IL 60176

Officer: Edward J. Zarach, President/Sole Stockholder

Southeast Forwarders, Inc. 2719 N.W. 91st Avenue, Miami, FL 33147

Officers: Rodolfo Gutierrez, President; Amado J. Sisto, Director/Treasurer; William Noriega, Director/Resident Agent

Dated: August 19, 1982.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-23180 Filed 8-24-82; 8:45 am]

BILLING CODE 6730-01-M

Moore McCormack Lines Section 15 Agreements; Cancellation

Filing party: Mr. J. D. Straton, Director, Rates and Conferences, Moore McCormack Lines, Inc., 2 Broadway, New York, N. Y. 10004.

Summary: On July 21, 1982, the Commission received notice from Moore McCormack Lines, Inc. to cancel four two-party agreements, as listed below to which Moore McCormack Lines is a party:

Agreement No. and Participating Carrier	
9454	Farrell Lines, Inc.
9567	Wallenius Line
9579	Adolfo Morey Hijos
9905	Farrell Lines, Inc.

Accordingly, the above listed agreements are cancelled effective July 21, 1982, the date the notice of cancellation was received by the Commission.

Combi Line Joint Service and respectively; Cancellation

Transportacion Maritima Mexicana, S.A.—Agreement No. 9234; Prudential-Grace Lines, Inc.,—Agreement No. 10049; Waterman Steamship Corp.—Agreement No. 10097 and Tecomar, S.A.—Agreement No. 10279.

Filing party: Edward Schmeltzer, Esq., Schmeltzer, Aptaker & Sheppard, P.C., 1800 Massachusetts Ave., N.W., Washington, D.C. 20036.

Summary: On July 26, 1982, the Commission received notice from counsel for the Combi Line Joint Service that the parties thereto concurred in the cancellation of Agreements Nos. 9234, 10049, 10097 and 10279. Therefore, Agreements Nos. 9234, 10049, 10097 and 10279 have been cancelled effective July 26, 1982, the date the notice was received by the Commission.

Fresco Line Joint Service; Cancellation

Filing party: Mr. S. M. Dillon, Managing Director, Kerr Steamship Co., Inc., Two World Trade Center, New York, New York 10048.

Summary: On July 26, 1982, the Commission received notice to cancel the Fresco Line Joint Service, Agreement No. 7918. Therefore, the agreement has been terminated effective July 26, 1982, the date the notice was received by the Commission.

Farrell Lines Section 15 Agreements; Cancellation

Filing party: Hans Unterweiner, Vice President, Marketing Services, Farrell Lines, Inc., One Whitehall Street, New York, N.Y. 10004.

Summary: On July 29, 1982 the Commission received notice from Farrell

Lines Inc., to cancell a number of two party agreements to which it is a party. The agreement numbers together with the identity of the other participants are listed below:

Agreement No. and Participating Carriers

8557, Durban Lines
8739, Zanzibar Gov't. Steamers
8768, Lloyd Triestino S.P.A.N.
8891, Compagnie des Messageries Maritimes
8892, Clan Line
8926, Southern Line
9528, Compagnie des Messageries Maritimes
9662, Compagnie des Messageries Maritimes
9789, Unicorn Shipping
9826, Royal Interocean
10148, Baltic Steamship Co.
10149, Baltic Steamship Co.
10342, Zambezi Africa Line

Accordingly, the above listed agreements are cancelled effective July 29, 1982, the date the notice of cancellation was received by the Commission. Similarly, on August 3, 1982 the Commission received notice from Farrell Lines to cancel its Agreement No 9080 with Moore-McCormack Lines. Accordingly, Agreement No. 9080 is cancelled effective August 3, 1982, the date the notice of cancellation was received by the Commission.

Sea-Land Service, Inc. and United States Lines, Inc.; Cancellation

Filing party: H. P. Breed, Jr., Vice President, United States Lines, Inc., 27 Commerce Drive, Cranford, New Jersey 07016.

Summary: On August 2, 1982, the Commission received notice to cancel Agreement No. 9907. Therefore, the agreement has been terminated effective August 2, 1982, the date the notice was received by the Commission.

Thailand/U.S. Atlantic & Gulf Conference Agreement No. 9919; Cancellation

Filing party: Coopers & Lybrand, Secretaries, Thailand/U.S. Atlantic & Gulf Conference, Thai Danu Bank Building, 393 Silom Road, Bangkok, Thailand.

Summary: On August 5, 1982, the Commission received notice to cancel Agreement No. 9919, a transshipment arrangement between the member lines of the conference and certain independents. Therefore, the agreement has been cancelled effective August 5, 1982, the date the notice was received by the Commission.

Nedlloyd Lines and Hoegh Lines; Cancellation

Filing party: Mr. J. J. van Steenbergen, Nedlloyd Inc., 5 World Trade Center, New York, New York 10048.

Summary: On August 6, 1982, the Commission received notice to cancel Agreement No. 9554, as amended, between Nedlloyd Lines, and Hoegh Lines. Therefore, the agreement has been terminated effective August 6, 1982, the date the notice was received by the Commission.

Blue Star Line Ltd. and Port Line Ltd.; Cancellation

Filing party: Mr. Wade S. Hooker, Jr., Burlingham Underwood & Lord, One Battery Park Plaza, New York, N.Y. 10004.

Summary: On August 9, 1982, the Commission received notice to cancel Agreement No. 9748 between Blue Star Line Ltd. and Port Line Ltd. Therefore, the agreement has been terminated effective August 9, 1982, the date the notice was received by the Commission.

Blue Star Line Ltd., Ellerman Line Ltd. and Port Line Ltd.; Cancellation

Filing party: Mr. Wade S. Hooker, Jr., Burlingham Underwood & Lord, One Battery Park Plaza, New York, N.Y. 10004.

Summary: On August 9, 1982, the Commission received notice to cancel Agreement No. 9715 among Blue Star Line, Ellerman Line and Port Line. Therefore, the agreement has been terminated effective August 9, 1982, the date the notice was received by the Commission.

Black Star Line Ltd. and Zim Israel Navigation Co. Ltd.; Cancellation

Filing party: Michael Prudenti, Director, Zim Container Service, One World Trade Center, New York, N.Y. 10048.

Summary: On August 10, 1982, the Commission received notice to cancel Agreement No. 8436 between Black Star Line and Zim Israel Navigation Co. Therefore, the agreement has been terminated effective August 10, 1982, the date the notice was received by the Commission.

United States Lines Section 15 Agreements; Cancellation

Filing party: Mr. L. P. Kopley, Vice President, Pricing, Atlantic Group, United States Lines, Inc., 27 Commerce Drive, Cranford, New Jersey 07016.

Summary: On August 16, 1982, the Commission received notice from United States Lines to cancel two agreements to which it is a party. The agreement numbers together with the identity of the other participants are No. 8472 with Mathies Reederei KG, and No. 9524 with Hapag Lloyd A/G. Accordingly, the numbered agreements are cancelled effective August 16, 1982, the date the notice of cancellation was received by the Commission.

By Order of the Federal Maritime Commission.

Dated: August 19, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-23182 Filed 8-23-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-37]

Union Carbide Corp. and Delta Lines; Filing of Complaint and Assignment

Notice is given that a complaint filed by Union Carbide Corporation against Delta Lines was served August 17, 1982. Complainant alleges that respondent has subjected it to an overcharge of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82-23178 Filed 8-23-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2353]

Whaling Trucking Inc. (Associated North American, D.B.A.); Order of Revocation

On August 2, 1982, Whaling Trucking Inc. (Associated North American, d.b.a.), 925 Cranston Street, Cranston, Rhode Island 02920 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2353.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1

(Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License NC. 2353 issued to Whaling Trucking Inc. (Associated North American, d.b.a.), be revoked effective August 2, 1982 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2353 issued to Whaling Trucking Inc. (Associated North American, d.b.a.) be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Whaling Trucking Inc. (Associated North American, d.b.a.).

Robert M. Skall,

Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 82-23179 Filed 8-23-82; 8:45 am]

BILLING CODE 6730-01-M

Regarding Freight Forwarder Compliance With General Order 4

Section 510.35(c) of the Commission's General Order 4 provides that by March 1 of each year each licensee, through its Chief Executive Officer, shall certify that it has a policy against rebates, that it has promulgated such policy to all appropriate individuals in the firm, that it has taken steps to prevent such illegal practices, and that it will cooperate with the Commission in any investigation of suspected rebates.

According to Bureau records, as of August 17, 1982 the licensees listed in the Appendix to this Notice still have not filed the required certification in compliance with § 510.35(c) of General Order 4. A letter has been directed to each of the licensees listed in the Appendix advising it that, unless the certification, a sample of which was included with the letter, is received within thirty days, civil penalties will be assessed, and, possibly further action may be taken to suspend or revoke its license.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

APPENDIX

FMC No. and Name

66 John W. Newton, Jr., Customs Broker & Freight Forwarder
130 North, East, West, South Shipping Co.
131 Terramar Shipping Company, Inc.
167 Westfeldt Brothers Forwarders, Inc.
237 Atlas Agencies, Inc.
521 Raymond H. Hamson
732 Universal Transport Corporation
798 Mary Morris Reid dba Reid & Company
801 Stevens Shipping & Terminal Company
842 Premier Shipping Company, Inc.
847 C. J. Hanlon Co., Inc.
855 S. G. Scott Co.
903 Air-Sea Forwarders, Inc.
950 Sack and Menendez, Inc.
981 All Cargo Transport, Inc.
1012 H. W. St. John and Company
1085 Florida Consolidated Forwarders, Inc.
1112 Sea-Flex Forwarding Corp.
1176 Trans/World Shippers, Inc.
1250 Adolfo Ferrer Luchessi
1261 J. M. Pietri & Associates, Inc.
1351 Hudson International Inc. and Hudson International of Maryland, Inc.
1374 ICS Freight Sevices, Inc.
1375 Emilio E. Ruiz dba Air-Sea Shipping Service
1421 E. F. Mc Afee Customhouse Broker
1447 Atlas International
1466 Ana T. Binns dba World International Shipping
1487 Woodrow W. De Witt dba De Witt Freight Forwarding
1508 Alas Cargo Service Inc.
1514 Pandair Freight, Inc.
1542 CF Freight, Inc.
1545 Reliance Forwarding Corp.
1614 Robert Nako Enterprises Inc. dba Yamko Truck Lines
1652 Osbourne International Inc.
1689 Alberto Malvar dba Malvar Cargo Service
1715 Laurie B. Pazmino dba Intercontinental Bridge Services
1730 Reliable International Inc.
1748 Cox-Patrick Transfer & Storage Company
1784 Roger W. Baum
1789 Cargo International Freight Service Corp.
1798 M&A Cargo Services, Inc.
1801 American Transport Systems, Inc.
1808 Oakland Van & Storage, Inc.
1829 Nittler Forwarding, Inc.
1867 Bratt International, Inc.
1878 Trans America Forwarders, Inc.
1894 Five Star Air Freight Corp.
1919 Schirmer International Inc.
1939 Mid Atlantic Shipping Company
1950 Interford Corporation
1951 Dahill Moving and Storage Company, Inc.
1960 United American Freight, Inc.
1981 Com-Air Freight Inc.
1987 Edward H. Harrington, Jr., dba E. H. Harrington & Company
2019 Luciano S. Soto
2089 Savir, Inc.
2110 Master-Shipping Corp.
2115 Jan-Peter Jueterbock dba Alpha International Shipping
2118 Hayakawa Forwarding, Inc.
2123 Interport, Inc.
2184 Kronos International Shippers, Inc.
2211 Golden Eagle International Forwarding, Inc.
2215 North Atlantic Freight Forwarders, Inc.
2253 Aurora International Forwarding, Inc.
2258 Garden State Maritime Services, Inc.
2289 Transmarcom (USA) Inc.
2295 Louis A. Segarra dba A.A.A. Customers Brokers
2213 Specialty Packaging Co., Inc.
2323 Samuel S. Gambinamo dba Gulf South Shipping Services
2329 MIA International Forwarders Inc.
2339 Ace Airmarine Transport
2373 Elizabeth Martinez
2387 A&A Express International, Inc.
2394 Wilbur J. Reine dba Samoa Transfer & Storage
2413 A&A International Freight Forwarders, Inc.
2436 All States International Forwarding Co., Inc.

[FR Doc. 82-23181 Filed 8-23-82; 8:45]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

[Regs. M and Z; Doc. No. R-0394]

Consumer Leasing, Truth In Lending; Order Granting Exemptions to the States of Maine and Connecticut

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Order.

SUMMARY: The Board has determined that the exemptions from the revised federal Truth in Lending Act requested by the states of Maine and Connecticut should be granted. Maine sought an exemption from chapters 2 (credit transactions), 4 (credit billing), and 5 (consumer leases) of the act for transactions subject to the Maine Consumer Credit Code, while Connecticut sought an exemption from chapters 2 and 4 of the act for transactions subject to the Connecticut Truth in Lending Act.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Rugenia Silver or Lynn Goldfaden, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 at (202) 452-3667 or (202) 452-3867.

SUPPLEMENTARY INFORMATION: (1) *General.* Sections 123, 171, and 186 of the Truth in Lending Act (15 U.S.C. 1601 *et seq.*) direct the Board to exempt from the act's requirements transactions that are subject to comparable state laws, if certain conditions are met. For purposes of chapter 2 of the statute (credit transactions), the Board is directed to grant an exemption if it determines that the state law imposes requirements substantially similar to those imposed under chapter 2 and that there is adequate provision for enforcement. The exemption standards for chapter 4 (credit billing) and chapter 5 (consumer leases) are identical to those for chapter 2, with two modifications. Section 171(b), which sets forth exemption criteria for chapter 4, authorizes the Board to consider whether a state law gives greater protection to the consumer,

while § 186(b), addressing the exemption criteria for chapter 5, authorizes the Board to consider whether the state law gives greater protection and benefit to the consumer.

The Truth in Lending Act was substantially revised by Congress on March 31, 1980 (Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96–221). Prior to the revision of the act, five states—Connecticut, Maine, Massachusetts, Oklahoma and Wyoming—had been granted exemptions from chapter 2 of the Truth in Lending Act. As of October 1, 1982, those exemptions will expire unless renewed in accordance with the revised Truth in Lending Act.

The states of Maine and Connecticut applied to the Board for a continuation of their exemptions under the revised Truth in Lending Act. Notice of those exemption requests, with an opportunity for public comment, was published on April 15, 1982 (47 FR 16210).

Maine's exemption request covered chapters 2, 4 and 5 of the revised federal statute and Regulations Z (Truth in Lending) and M (Consumer Leasing). The comparable state provisions that form the basis for its exemption request are contained in Article VIII of the Maine Consumer Credit Code (Title 9–A, M.R.S.A.) and Rules of the Administrator (Rule 02–030–240), known as Regulation Z–2. In its notice, the Board noted six variations from federal Regulations Z and M that were not incorporated into Maine's regulation. In the Board's view, those variations were not substantial and would not adversely affect Maine's exemption request. The Board indicated its belief that Maine's law and regulation were substantially similar to the federal law and regulation and that the state had demonstrated adequate provision for enforcement. Therefore, subject to comment, the Board proposed to exempt transactions subject to the Maine Code and Regulation Z–2 from chapters 2, 4 and 5 of the federal Truth in Lending Act.

The state of Connecticut applied for an exemption from chapters 2 and 4 of the Truth in Lending Act. The basis for Connecticut's exemption request is the revised Connecticut Truth in Lending Act (Chapter 657 of the Connecticut General Statutes, sections 36–393 through 36–417 inclusive, as amended by Public Act 81–158). Subject to comment, the Board indicated its belief that Connecticut's law was substantially similar to the federal statute and that the state had demonstrated adequate provision for enforcement of that statute. Therefore, the Board proposed to exempt transactions subject to the Connecticut Truth in Lending Act from chapters 2 and 4 of the federal Truth in Lending Act.

The Board has received 20 comments regarding the exemption notices. Some comments addressed the specific exemption proposals and others discussed the more general issue of the Board's standards for measuring the substantial similarity of a state law. Several creditor groups were concerned by the Board's finding that substantial similarity does not require a mirror image of the federal law in order to support an exemption. The Board continues to believe that this definition properly interprets the congressional standard, balancing the needs of states to address local concerns with the needs of creditors and consumers for general uniformity in truth in lending disclosures and protections. The Board notes that this standard, permitting certain minor variations in exempt states' laws, represents a continuation of the same standard applied in the original exemptions granted in 1970.

In accordance with Appendix B of Regulation Z and Appendix A of Regulation M, the Board reserves the right to revoke an exemption if at any time it determines that the standards required for an exemption are not met. The state receiving an exemption undertakes to inform the Board within 30 days of any change in its relevant law or regulations. The Board will inform the appropriate state official of any revisions in the federal statute or regulation that must be adopted by the state in the future in order to maintain its exemption. Should an amendment or other revision to a state law become necessary because of a corresponding congressional or Board action, the Board will allow sufficient time to the state to revise its laws and regulations in order to preserve substantial similarity.

(2) *Order of exemption.* The following order sets forth the terms of the Maine and Connecticut exemptions. Notice of the exemptions will be included in the official staff commentaries on Regulations Z and M.

Order

The states of Maine and Connecticut have applied for exemptions from the federal Truth in Lending Act as revised on March 31, 1980 (Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96–221). Pursuant to sections 123, 171, and 186 of the act, the Board has determined that the laws of those states are substantially similar to the federal law and that there is adequate provision for enforcement. The Board hereby grants those exemptions as follows:

Maine. Effective October 1, 1982, credit or lease transactions that are subject to Article VIII of the Maine Consumer Credit Code (Title 9–A, M.R.S.A.) and its implementing regulations are exempt from chapter 2 (credit transactions), chapter 4 (credit billing), and chapter 5 (consumer leases) of the federal Truth in Lending Act. This exemption does not apply to transactions in which a federally chartered institution is a creditor or lessor.

Connecticut. Effective October 1, 1982, credit transactions that are subject to the Connecticut Truth in Lending Act (Chapter 657 of the Connecticut General Statutes, sections 36–393 through 36–417 inclusive, as amended by Public Act 81–158) are exempt from chapter 2 (credit transactions) and chapter 4 (credit billing) of the federal Truth in Lending Act. This exemption does not apply to transactions in which a federally chartered institution is a creditor.

By order of the Board of Governors of the Federal Reserve System, August 20, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82–23243 Filed 8–23–82; 8:45 am]

BILLING CODE 6210–01–M

[Regs. M and Z; Doc. No. R–0415]

Consumer Leasing, Truth in Lending; Exemption Applications From the States of Massachusetts, Oklahoma and Wyoming

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of intent to make exemption determinations.

SUMMARY: The states of Massachusetts, Oklahoma and Wyoming have applied to the Board for exemptions from the Truth in Lending Act, as amended in 1980. Massachusetts seeks an exemption from chapters 2 (credit transactions) and 4 (credit billing) of the act for transactions subject to the Massachusetts Truth in Lending Act; Oklahoma seeks an exemption from chapters 2 and 5 (consumer leases) of the act for transactions subject to the Oklahoma Consumer Credit Code, and Wyoming seeks an exemption from chapter 2 of the act for transactions subject to the Wyoming Consumer Credit Code. In accordance with Appendix B to Regulation Z (Truth in Lending) and Appendix A to Regulation M (Consumer Leasing), the Board is publishing a notice of the applications, with opportunity for comment. In order to complete final action on the requests before October 1, 1982, the mandatory effective date of the revised federal act, the Board is dispensing with the normal 60-day comment period for exemption proposals. To be assured of consideration by the Board, comments

must be submitted within the time specified.

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

ADDRESS: Comments should be mailed to the Secetary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th and Constitution Avenue, N.W., Washington, D.C., between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Lynn Goldfaden or Rugenia Silver, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 at (202) 452-3667 or (202) 452-3867.

SUPPLEMENTARY INFORMATION: (1) *General.* The Truth in Lending Act (15 U.S.C. 1601 *et seq.*) directs the Board to exempt from the act transactions that are subject to state laws meeting certain requirements. Under § 123 of the act, consumer credit transactions may be exempted from chapter 2 (credit transactions) if the applicable state law is substantially similiar to the federal act and the state demonstrates adequate provision for enforcement. Sections 171 and 186 impose the same exemption standards for chapter 4 (credit billing) and chapter 5 (consumer leases), respectively, except that the Board is also to consider, in making exemption determinations under those chapters, whether the state law is more protective of the consumer.

A state law need not mirror exactly the comparable federal requirement in order to meet the standard of substantial similarity. Any variations, however, should be so minor as not to deprive consumers of any of the protections guaranteed by the federal law nor to significantly complicate compliance by interstate creditors. An enforcement analysis focuses on past activities, personnel, funding and other factors demonstrating a commitment to effective enforcement of the states laws. Adequacy of enforcement also requires the ability to impose restitution for certain overcharges resulting from Truth in Lending violations.

The effect of an exemption is to make creditors (other than federally chartered institutions) subject solely to state law and enforcement rather than the comparable federal law and enforcement. Whether a creditor operating in an exempt state must follow state rather than federal law depends on the scope of the exemption and the class of creditors and transactions affected by it. The scope of an exemption is set forth in the notice in which the Board grants the exemption.

Since the Truth in Lending Act was adopted in 1968, the Board has granted five requests from states for exemptions from the federal act. Connecticut, Maine, Massachusetts, Oklahoma and Wyoming have been operating under exemptions from chapter 2 of the original act since 1970. Unless renewed, those exemptions will expire as of October 1, 1982, the date on which the revised federal Truth in Lending Act will become mandatory (Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96-221, March 31, 1980).

All five of the originally exempt states have now formally applied for new exemptions under the revised Truth in Lending Act. Notice of the applications from Maine and Connecticut was published for comment in the **Federal Register** on April 15, 1982 (47 FR 16210). The Board has determined that those exemptions should be granted and is publishing notice of those determinations in a separate document appearing elsewhere in this issue. Within the last month, the Board has received applications from the remaining states of Massachusetts, Wyoming and Oklahoma and is in the process of reviewing those applications.

Before publishing notice of the exemption requests from Maine and Connecticut, the Board had analyzed those states' laws and regulations and determined, subject to comment, that those state laws and enforcement provisions met the requirements for exemption. That notice for comment thus reflected the Board's preliminary intent to grant those exemption requests. In order to insure that the exemptions, if granted, will be effective by October 1, 1982, the Board is not following that procedure here. To minimize delays, the Board is publishing notice of the requests without a preliminary determination of whether they will ultimately be granted. If final action on the requests is not taken by October 1, creditors in those states must be in compliance with the revised federal Truth in Lending Act. Although any state law that forms the basis for an exemption will be substantially similar to the federal law, the Board is aware that granting an exemption after October 1 may increase the burdens on creditors in those states in making the transition from the original to the revised Truth in Lending Act. Therefore, the Board is not making proposed determinations on the exemptions themselves at this time. However, in order to facilitate comment, the Board notes in the discussion of each state below certain variations in the various laws, and its preliminary views on the effect of those variations.

(2) *Massachusetts application.* The state of Massachusetts was granted an exemption by the Board from the requirements of chapter 2 of the original Truth in Lending Act effective July 1970. Through its Office of Commissioner of Banks, Massachusetts now seeks an exemption from chapters 2 and 4 of the revised act. Under chapter 1400 (Consumer Credit Costs Disclosure) of the General Laws of Massachusetts, established by chapter 733 of the Acts of 1981, the state had adopted the substance of the credit disclosure and fair credit billing portions of the revised federal act. Sections 3 and 29 of chapter 140D authorize the Commissioner of Banks to promulgate regulations to carry out the provisions of that chapter and to issue advisory rulings interpreting any provision of those regulations. (Under the state law, a Board or staff interpretation of the federal Truth in Lending Act and its implementing Regulation Z is deemed to be an advisory ruling for purposes of the state law and regulation.)

The Commissioner of Banks has adopted regulations (209 Code of Massachusetts Regulations § 32.00 *et seq.*) to carry out the provisions of the Massachusetts truth in lending law. The regulatory provisions are analogous to the provisions of federal Regulation Z and include Appendices D through H and Appendix J of Regulation Z. The remaining appendices have not been adopted either because their substance is not relevant to the state law or because they are reflected elsewhere in the state's regulation.

The state's application identifies several areas in which the state law varies to some extent from the federal statute, although the two laws are identical in most respects. Those provisions are described below.

1. Section 226.23(a) of Regulation Z, implementing § 125 of the federal statute, automatically terminates an unexpired right of rescission upon three years after the date of consummation of the transaction or on sale or transfer of the property, whichever occurs first. The Massachusetts statute and regulation extend the unexpired right of rescission from three years to four years after the date of consummation. In the Board's view, this provision does not affect the substantial similarity of the law.

2. Section 226.18(e) of Regulation Z, implementing § 128 of the federal law, permits creditors to omit disclosure of the annual percentage rate in cases in which the finance charge does not exceed $5 when the amount financed is

$75 or less, or the finance charge does not exceed $7.50 when the amount financed is more than $75. The Massachusetts statute and regulation require disclosure of the annual percentage rate regardless of the amount of the finance charge. This variation, which is also reflected in the state's existing exemption, should not adversely affect the determination.

3. Section 226.5(b)(2) of Regulation Z requires creditors to mail or deliver an open-end periodic statement at least 14 days before the time within which the consumer may avoid an additional finance or other charge. Section 19 of the Massachusetts law requires creditors to mail the billing statement 15 days before the end of the next succeeding billing cycle or the payment due date, whichever is earlier. In the Board's view, this variation is minor and does not detract from the substantial similarity of the law.

4. Section 226.11 of Regulation Z requires creditors to credit the amount of any credit balance of more than $1, refund any part of the remaining credit balance within 7 business days after receipt of a written request from the consumer, or make a good faith effort to refund to the consumer any part of the credit balance remaining in the account for more than 6 months. Under § 32.11 of the Massachusetts regulation, the creditor must take one of these actions when a credit balance of $1 or more (rather than more than $1) is created, attempt to make a refund within 30 days after expiration of the 6-month period, and make additional disclosures to the consumer regarding the existence of the credit balance and the consumer's right to a refund. These variations provide greater protection to the consumer, within the meaning of § 171 (the exemption standard for chapter 4 of the act) and thus do not affect the exemption.

5. Section 226.12(d) of prohibits offsets in credit card transactions unless the cardholder signs a separate agreement allowing the card issuer to periodically deduct all or part of the debt from the cardholder's deposit account with the issuer. The comparable Massachusetts provision, § 32.12(d), contains the same conditional prohibition, with three additions. First, the Massachusetts regulation prohibits any deduction by the card issuer with respect to a disputed item if the cardholder so requests. Second, the Massachusetts regulation requires that the creditor disclose on the face of the offset agreement the fact that the consumer need not sign that agreement in order to obtain the credit card. Third, section 23 of the Massachusetts law imposes the same prohibition against offsets on closed-end credit transactions. The federal statute and regulation contain no comparable prohibition. These variations, which are more protective of the consumer under section 171, do not adversely affect the exemption.

Massachusetts' truth in lending law is enforced by the Office of the Commissioner of Banks, as provided by General Laws, chapter 140D, section 6. The administration and the enforcement of the truth in lending responsibilities of the Commissioner are funded out of the general budget for the Commissioner of Banks, which in 1982 amounted to $4,310,500, of which an estimated 6% is utilized in truth in lending activities. The Commissioner's staff consists of 36 persons, of whom 23 are examiners. Approximately 250,000 creditors are subject to the jurisdiction of the Commissioner of Banks, although the actual number engaged in credit extensions subject to the truth in lending law may be lower. The examination schedule calls for examination of all deposit and licensed institutions within an 18–24 month period. Reimbursement is required for certain violations involving overcharges due to annual percentage rate and finance charge understatement.

Subject to the Board's Rules Regarding Availability of Information (12 CFR Part 261), copies of the Massachusetts request are available from the Board in Washington or from the Federal Reserve Bank of Boston.

(3) *Oklahoma application.* The state of Oklahoma, through its Department of Consumer Credit, has applied for an exemption from chapters 2 (credit transactions) and 5 (consumer leases) of the Federal Truth in Lending Act for all state-chartered financial institutions, merchants, and supervised lenders extending credit in Oklahoma. Oklahoma has been exempt from chapter 2 of the original act since June 1970.

The Oklahoma Consumer Credit Code was significantly revised in June (Title 14A Oklahoma Statutes 1–101 *et seq.*). The revisions reflect the changes made in the federal law by the Truth in Lending Simplification and Reform Act of March 1980. The truth in lending provisions of the Code are contained for the most part in Articles 2 and 3, which correspond to the federal disclosure requirements for credit sales, loans, and leases. Under the authority granted by Title 14A section 6–104(2) of the Oklahoma statutes, the Administrator of the Department of Consumer Credit promulgated rules to implement the changes. The Oklahoma request for exemption states that the requirements imposed by the Oklahoma law and regulation are identical in all substantive respects to chapters 2 and 5 of the federal statute and implementing regulations, except for the following identified variations:

1. Sections 226.3(b) and 213.2 of federal Regulations Z and M, respectively, exempt from the federal requirements certain transactions in which the dollar amount involved is greater than $25,000. Under the Oklahoma Code and regulations, the comparable exemption is set at $45,000. Thus, Oklahoma's provisions apply to a broader range of transactions than the federal law. In accord with its determination regarding a comparable Maine provision, the Board believes that the broader coverage of the Oklahoma law does not affect the exemption.

2. Oklahoma is not requesting an exemption under chapter 4 of the federal act (credit billing), and therefore omits provisions that arise solely from chapter 4. However, the Oklahoma regulation does reflect fair credit billing provisions in several respects. First, the rules regarding the special treatment of cash discounts under section 167 of the federal statute have been incorporated into the Oklahoma regulation, in order to produce the proper finance charge for purposes of chapter 2 disclosures. In addition, the open-end credit disclosure requirements of the Oklahoma regulation direct the creditor to provide a statement outlining the consumer's rights under the federal fair credit billing act, and an address to be used for transmitting billing error notices, analogous to §§ 226.6(d) and 226.7(k) of Regulation Z. The Board believes that these additions are appropriate and do not detract from the substantial similarity of the law.

3. Because Oklahoma lacks a specific statutory basis for such rules, the special credit card rules outlined in § 226.12 of Regulation Z have not been incorporated into the Oklahoma regulation. Thus, an exemption, if granted, would not extend to the provisions regarding liability for unauthorized use of credit cards and other credit card provisions in § 226.12. Creditors in Oklahoma would remain subject to federal law and enforcement as to those provisions. While this variation would affect the scope of an exemption, the Board does not believe that it adversely affects the exemption request itself.

4. Section 226.15(a)(1)(ii) of federal Regulation Z sets a three-year expiration date on the special rule

regarding the right of rescission in open-end credit transactions. The Oklahoma statute and regulation do not reflect this "sunset" provision. If the federal statute and regulation are revised as a result of the expiration of this special rule, Oklahoma expects to amend its statute and regulation accordingly.

5. Section 213.4 of federal Regulation M prescribes a limit of three times the average monthly payment for end-of-term lease liability. Oklahoma law prescribes a lower limit of twice the average payment. Because this provision offers greater protection and benefit to the consumer within the meaning of § 186 of the act, the more stringent lease liability does not adversely affect the exemption request.

The Oklahoma Consumer Credit Code is administered by the Department of Consumer Credit consisting of the Administrator and approximately 15 staff members. The Department of Consumer Credit is responsible for carrying out the consumer protection requirements of Oklahoma statutes. The Department's enforcement mandate for truth in lending is shared with the Oklahoma State Banking Department, which examines state-chartered financial institutions such as banks, credit unions and savings and loan associations. The staff of the State Banking Department includes 28 examiners. The Banking Department's examinations are conducted in accordance with the procedures established by the Department of Consumer Credit, which also reviews those examinations. The total budget for the Department of Consumer Credit in 1982 is $446,926, and for the State Banking Department $1,240,692, but no allocation is made specifically for truth in lending enforcement and examinations.

The state estimates that more than 9,000 creditors are subject to the jurisdiction of either the State Banking Department or the Department of Consumer Credit. This number is composed of 7,700 "non-lender creditors," a group that includes retailers, automobile dealers and professionals; approximately 400 state-chartered financial institutions, and approximately 800 "supervised lenders," a category that includes finance and loan companies and pawnbrokers. The two departments conducted a total of 1,753 examinations for truth in lending compliance during the past 12 months.

Article 6 of the Oklahoma Consumer Credit Code contains provisions for correction of errors and restitution for certain understatements of the finance charge and annual percentage rate, analogous to section 108 of the federal statute. The administrator is empowered by section 6-108 of the Code to issue cease and desist orders against creditors that violate the state statute.

Subject to the Board's Rules Regarding Availability of Information (12 CFR Part 261), copies of the Oklahoma request are available from the Board in Washington, from the Federal Reserve Bank of Kansas City, and from the Federal Reserve Bank of Dallas.

(4) *Wyoming application.* The State of Wyoming has applied for an exemption from chapter 2 of the Federal Truth in Lending Act for transactions subject to the Wyoming Consumer Credit Code, as amended in 1982. That statute directs the Administrator of the Code to adopt rules and regulations "not inconsistent" with the Truth in Lending Act and Regulation Z. Those rules were promulgated with an effective date of October 1, 1982, and, together with the Wyoming Code, from the basis of the exemption request. In its application, the state notes the following variations in its rules:

1. The federal statute and Regulation Z utilize the term "residential mortgage transaction" in a number of areas, including the exceptions from the right of recission and the special early disclosure requirements of § 226.19. In the Wyoming statute and regulation, all references to residential mortgage transactions have been eliminated and replaced with "real property" or "real property mortgage transaction." This revision in the Wyoming statute and regulation appears to alter the requirements of the federal law in several significant respects. For example, the types of transactions exempt from the right of recission may be different from those exempt under the federal law. As another example, transactions that would require early disclosure under § 226.19 of Regulation Z may not be covered by the comparable Wyoming provision. Subject to comment and further analysis, this variation may adversely affect the exemption request.

2. Section 226.6(d) of Regulation Z requires creditors to provide consumers with a statement of billing error rights. This provision was eliminated from the Wyoming statute and regulation because it relates to the Fair Credit Billing Act, which is not part of the Wyoming Code. In the Board's view, this deletion is appropriate and does not affect the determination.

The Administrator of the Wyoming Consumer Credit Code is charged by statute with implementing and enforcing the Code. The Administrator's office is funded by the state legislature, and was allotted $281,136 for the 1981-1982 fiscal year, solely for the purpose of enforcement and examination of the Wyoming Code. The office is staffed by 4 persons, and also draws on the 14-member staff of the Bank Examination Division.

It is estimated that a total of 1,624 creditors in the state are subject to the jurisdiction of the Wyoming Consumer Credit Code. The state has adopted restitution provisions analogous to the administrative enforcement of provisions of section 108 of the federal act.

Subject to the Board's Rules Regarding Availability of Information (12 CFR Part 261), copies of the Wyoming request are available from the Board in Washington or from the Federal Reserve Bank of Kansas City.

(5) *Comments requested.* Interested persons are invited to submit written comments regarding the applications from Massachusetts, Oklahoma and Wyoming for exemptions from the Truth in Lending Act. After the close of the comment period and analysis of the comments received, notice of the final disposition of the exemption requests will be published in the **Federal Register.**

By order of the Board of Governors of the Federal Reserve System, August 20, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-23244 Filed 8-23-82; 8:45 am]

BILLING CODE 6210-01-M

Svenska Handesbanken et al.; Proposed Acquisition of Commercial Funding Inc.

Svenska Handelsbanken, Stockholm, Sweden; Den Norske Creditbank, Oslo, Norway; Copenhagen Handelsbank, Copenhagen, Denmark; Kansallis-Osake-Pankki; Helsinki, Finland, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Commercial Funding Inc., New York, New York.

Applicant states that the proposed subsidiary would engage in the activities of leasing capital equipment and other personal properties and acting as an agent, broker or advisor in leasing such properties and extending credit for its own account and the account of others and the servicing of such accounts. These activities would be performed from offices of Applicant's subsidiary in New York City, New York, and the geographic areas to be served

are New York, New Jersey, Connecticut, Pennsylvania, Delaware, North Carolina, Florida and California. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking paractices."

Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 17, 1982.

Board of Governors of the Federal Reserve System, August 18, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-23018 Filed 8-23-82; 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 § 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 Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. **Independence Bancorp, Inc.,** Perkasie, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Bucks County Bank and Trust Company, Perkasie, Pennsylvania. Comments on this application must be received not later than September 17, 1982.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

1. **Intermountain Bankshares, Inc.,** Charleston, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of the successors by merger to Kanawha Banking & Trust Company National Association, Charleston, West Virginia; The Teays Valley National Bank, Scott Depot, West Virginia; Community Bank and Trust, N.A., Fairmont, West Virginia; Middletown National Bank, Fairmont, West Virginia; National Bank of Monongah, Monongah, West Virginia; Mountaineer National Bank, Morgantown, West Virginia. Comments on this application must be received not later than September 17, 1982.

2. **National Bank of Commerce Company,** Charleston, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of the National Bank of Commerce of Charleston, Charleston, West Virginia. Comments on this application must be received not later than September 15, 1982.

c. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. **North Side Bancorp., Inc.,** Racine, Wisconsin; to become a bank holding company by acquiring 80 and 100 percent respectively of the voting shares of North Side Bank, Racine Wisconsin and North Side Bank of Caledonia, Caledonia, Wisconsin (in organization). Comments on this application must be received not later than September 15, 1982.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. **Waubay Bancorporation, Inc.,** Waubay, South Dakota; to become a bank holding company by acquiring 82.1 percent of the voting shares of State Bank of Waubay, Waubay, South Dakota. Comments on this application must be received not later than September 17, 1982.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. **Security Financial Services Corporation,** Enid, Oklahoma; to become a bank holding company by acquiring 80 percent of the voting shares of the Security National Bank of Enid, Enid, Oklahoma. Comments on this application must be received not later than September 17, 1982.

2. **Williams Holding Company, Inc.,** Halstead, Kansas; to become a bank holding company by acquiring 80 percent of the voting shares of the Halstead Bank, Halstead, Kansas. Comments on this application must be received not later than September 17, 1982.

F. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

1. **Sunrise Bancorp,** Citrus Heights, California; to become a bank holding company by acquiring 100 percent of the voting shares of Sunrise Bank, Citrus Heights, California. Comments on this application must be received not later than September 17, 1982.

Board of Governors of the Federal Reserve System, August 18, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-23017 Filed 8-20-82; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in § 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. 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. **Secretary, Board of Governors of the Federal Reserve System,** Washington, D.C. 20551:

1. *Ellis Banking Corporation,* Bradenton, Florida; to acquire 100 percent of the voting shares of Highlands County Bank of Avon Park, Avon Park, Florida. The application may be inspected at the Federal Reserve Bank of Atlanta. Comments on this application must be received not later than September 17, 1982.

Board of Governors of the Federal Reserve System, August 18, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-23016 Filed 8-23-82; 8:45 a.m.]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed *De Novo* Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR § 1225.4(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, conflcits 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 Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Old Stone Corporation,* Providence, Rhode Island (loan and investment bank activities; Rhode Island): To engage, through its subsidiary, Guild Loan and Investment Company, in operating a loan or investment bank as authorized by Rhode Island law, including the acceptance of time and savings deposits but excluding the acceptance of demand deposits or the making of commercial loans. This activity would be conducted from a new branch office in the Metro Center Office Park, Warwick, Rhode Island, serving primarily the cities and towns of Warwick, West Warwick, Cranston, and East Greenwich plus Washington County in the State of Rhode Island. Comments on this application must be received not later than September 8, 1982.

B. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

1. *Deutsche Bank AG,* Frankfurt, Federal Republic of Germany (sales financing, leasing and related insurance activities; Canada): To permit Daimler-Benz AG (28% of the stock of which is owned by Deutsche Bank AG) through its subsdiary Freightliner Credit Corporation (the "Company"), to expand its servcie area to provide the same financing services that it is permitted to provide in the United States to: persons in Canada who make purchases from present and future affiliates of Daimler-Benz AG in the United States and the dealers of such affiliates and all present and future affiliates of Daimler-Benz AG in Canada, their respective dealers and the customers of such affiliates and dealers. The Company currently provides dealers of affiliates of Daimler-Benz AG in the United States with wholesale financing in the form of loans to finance dealers inventories secured by such inventories and provides customers of affiliates of Daimler-Benz AG in the United States and their dealers with retail financing consisting of purchases by the Company from such affiliates and their dealers of retail installment obligations undertaken by the customer in respect of equipment purchased by the customer and of purchases of lease receivables and dealer rental receivables in respect of equipment leased by the customer. In connection therewith, the Company makes available, solely as an authorized agent, credit life, accident and physical damage insurance. These activities would be conducted by the Company from offices in Portland, Oregon; Claymont, Delaware; Atlanta, Georgia; Oak Brook, Illinois; and Dallas, Texas; serving Canada. Comments on this application must be received not later than September 17, 1982.

2. *Manufacturers Hanover Corporation,* New York, New York, (consumer finance, sales finance, and credit insurance activities; Illinois): To engage through a *de novo* subsidiary, Finance One Mortgage of Illinois, Inc., in the activities of making or acquiring loans and other extensions of credit, secured or unsecured, such as could be made or acquired by a finance company under Illinois law; servicing such loans and other extensions of credit, and acting as agent or broker for the sale of credit life insurance directly related to such extensions of credit. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit secured by real and personal property, including real estate equity loans, and offering credit-related single and joint life insurance and decreasing or level term (in the case of single payment loans) life insurance and credit accident and health insurance directly related to extensions of credit made or acquired by Finance One Mortgage of Illinois, Inc., by licensed agents or brokers, to the extent permissable under applicable state insurance laws and regulations. These activities would be conducted from an office in Oak Brook, Illinois, serving the entire State of Illinois. Comments on this application must be received not later than September 17, 1982.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Railroad & Banking Company of Georgia,* Augusta, Georgia (finance, insurance, and undewriting activities; South Carolina): To engage *de novo* through its subsidiary, CMC Group, Inc., Charlotte, North Carolina, in the following activities: making consumer installment loans secured by note, household goods, and first or second mortgages on real estate up to $15,000; purchasing installment sales contracts up to $3,500; to underwrite credit life and accident and health insurance; and selling as agent, property insurance in connection with its loan and installment sales contracts. Such activities will be conducted at a location to be selected in Seneca, South Carolina, covering a service area encompassing Oconee County, South Carolina. Comments on

this application must be received not later than September 17, 1982.

D. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

1. *Northwestern Financial Corporation*, North Wilkesboro, North Carolina (originating and servicing mortgage loans, North Carolina): To engage, through its subsidiary, First Atlantic Corporation, in making, acquiring and servicing first mortgage loans such as would be made by a mortgage company. These activities would be conducted from an office in Durham, North Carolina, serving the counties of Durham, Orange and Chatham, North Carolina. Comments on this application must be received not later than September 17, 1982.

Board of Governors of the Federal Reserve System, August 18, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-23015 Filed 8-23-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 82D-0080]

New Animal Drugs and Food Additives Derived From a Fermentation; Human Food Safety Evaluation; Availability of Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a guideline that describes the tests that the sponsor may conduct to establish safe conditions of use in food-producing animals of a product that is derived from a fermentation that produces a drug and is administered as a complex mixture. This product could contain toxic components that are not readily isolated and identified and that might remain as residues is edible animal products. The guideline also describes the critiera used by FDA to evaluate the results of these tests. FDA invites interested persons to submit written comments on the guideline.

DATE: Written comments must be received on or before October 25, 1982.

ADDRESS: The guideline is available for public examination at, and comments may be submitted 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 W. Benson, Bureau of Veterinary Medicine (HFV-320), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-755-1120.

SUPPLEMENTARY INFORMATION: Over the years, FDA has approved for use in animal feed a number of antibiotics that are marketed as unpurified or partially purified products. The tolerances for most of these products were established from bioassays performed on the pure antibiotic. This regulatory approach assumes that the antibiotic is the most toxic substance in the product. FDA no longer considers this regulatory approach adequate. The drug portion of these products is typically 1 to 25 percent, leaving 75 to 99 percent of the product uncharacterized.

The criteria and procedures described in the threshold assessment guideline (47 FR 4972; February 2, 1982) and the proposed sensitivity of the method regulations (44 FR 17070; March 20, 1979) assume that the sponsored product is extensively characterized and that any component can be readily isolated, identified, and subjected to the testing described. However, the sponsored products addressed in the guideline that is the subject of this notice are complex mixtures that may contain the organism, its cellular debris and metabolic products, and residual substrate and nonsubstate material. This mixture could contain taxic components that are not readily identifiable and that might remain as residues in edible animal tissues. The guideline has been developed to provide an acceptable procedure for evaluating the safety of these incompletely characterized, multicomponent products.

Sponsors, therefore, may rely upon the guideline with the assurance that it represents procedures acceptable to the agency. (See 21 CFR 10.90.) Of course, if a sponsor believes that alternative procedures are also applicable, the guideline does not preclude a sponsor from pursuing the alternative procedures. Under such circumstances, however, the agency encourages sponsors to discuss the propriety of the alternative procedures in advance with FDA to prevent the expenditure of money and effort on activity that may later be deemed to be unacceptable.

The guideline thus offers ways for sponsors to comply with the statutory requirement that sponsored compounds, including uncharacterized components, are safe. The testing and evaluation criteria and procedures described in the guideline can be used to support an appliction for a new product derived from a fermentation that produces a drug and that is administered as a complex mixture. Fermentation products that have been approved or are otherwise legally marketed (e.g., a feed ingredient that prior to issuance of this notice was marketed under FDA Compliance Policy Guide No. 7126.31) will not be subject to withdrawal actions on the basis of the criteria and procedures found in this guideline unless new evidence shows a concern for safety from existing uncharacterized substances.

New products derived from a fermination that does not produce a drug may, depending on their conditions of use, be either a food or a food additive. Examples of this type of product include brewer's dried or wet grains or condensed solubles, distiller's dried or condensed solubles, extracted fermentation pressed cake or solubles from enzyme or organic acid producrs, and yeast harvest from beer or ale mash. The guideline may be applicable to such products. The agency will determine applicability on a case-by-case basis.

The guideline is available for public examination at the Dockets Management Branch (address above).

Interested persons may, on or before October 25, 1982 submit to the Dockets Management Branch (address above), written comments regarding this guideline. 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: August 16, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82-22985 Filed 8-23-82; 8:45 am]

BILLING CODE 4160-01-M

Office of Human Development Services

Reallotment of Funds

AGENCY: Office of Human Development Services, HUD.

ACTION: Notice of reallotment of funds.

SUMMARY: The Aministration on Development Disabilities in the Office of Human Development Services proposes to reallot funds which will not be utilized by American Samoa, Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and Virginia to forty-six

of the States, the District of Columbia, Puerto Rico and the Virgin Islands.

DATE: Effective September 23, 1982.

ADDRESS: 200 Independence Avenue, SW., Room 348F.5, Washington, D.C. 20201. Consideration will be given to any comments on this proposed reallotment of funds if received on or before September 23, 1982. Comments must be in writing and submitted to Jean K. Elder, Ph.D., Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, 200 Independence Avenue, SW., Room 348F.5, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Nancy J. Stipa, Office of the Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, 200 Independence Avenue, SW., Room 348F.5, Washington, D.C. 20201; telephone (202) 245-2904.

SUPPLEMENTARY INFORMATION: Section 132(d) of the Developmental Disabilities Assistance and Bill of Rights Act, Pub. L. 95-602, as amended, provides that the amount of a State's fiscal year allotment (as determined in accordance with section 132(a)(1)) which will not be required by the State shall be available for reallotment to other States. Any reallotment shall be in proportion to the original allotments of such States for such fiscal year. The additional reallotment shall be reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced.

Notice is hereby given that the following allotments reserved for American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Marianas, as well as a portion of the allotment for the State of Virginia, for Basic Support and Protection and Advocacy will not be required:

Protection and advocacy fiscal year 1982 allotment	$214,244
Basic support fiscal year 1982 allotment	1,083,571

It is the intention of the Secretary that the above amounts will be reallotted as follows:

FISCAL YEAR 1982 ALLOTMENTS

	Basic support	Protection and advocacy
Alabama	$32,075	$5,198
Alaska	9,507	1,683
Arizona	14,830	2,391
Arkansas	18,410	2,983
California	118,677	19,231
Colorado	15,319	2,460
Connecticut	18,134	2,939
Delaware	9,507	1,683
District of Columbia	9,507	1,683
Florida	54,909	8,897
Hawaii		1,683
Idaho	9,507	1,683
Illinois	65,086	
Iowa	20,124	3,261
Kansas	14,927	2,419
Kentucky	30,071	4,873
Louisiana	30,789	4,989
Maine	9,507	1,683
Maryland	23,562	3,818
Massachusetts	36,897	5,979
Michigan	58,102	9,414
Mississippi	22,710	3,680
Missouri	34,267	5,553
Montana		1,683
Nebraska	10,748	1,742
Nevada		1,683
New Hampshire	9,507	1,683
New Jersey	42,323	6,858
New Mexico		1,683
New York	114,504	18,554
North Carolina		7,244
North Dakota	9,507	1,683
Ohio	71,893	11,649
Oklahoma		3,250
Oregon	15,164	2,457
Pennsylvania		13,426
Puerto Rico	37,082	
Rhode Island	9,507	1,683
South Carolina	23,864	3,867
South Dakota		1,683
Tennessee		5,667
Texas		13,427
Utah	10,294	
Vermont		1,683
Washington	21,910	3,551
West Virginia	18,275	2,934
Wisconsin	32,569	5,278
Wyoming		1,683
Virgin Islands		1,010

(Catalog of Federal Domestic Assistance Program No. 13.630 Developmental Disabilities-Basic Support and Advocacy Grants)

Dated: August 11, 1982.

Francis X. Lynch,

Acting Commissioner, Administration on Developmental Disabilities.

Approved: August 19, 1982.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 82-23151 Filed 8-23-82; 8:45 am]

BILLING CODE 4130-01-M

Social Security Administration

Privacy Act of 1974 Report of New Matching Program

AGENCY: Social Security Administration (SSA), Department of Health and Human Services.

ACTION: New matching program.

SUMMARY: In accordance with the Privacy Act of 1974, Revised Supplemental Guidance for Conducting Matching Programs (**Federal Register**, May 19, 1982, pages 21657-21658), we are issuing public notice of our intent to conduct a matching program with the Office of Personnel Management (OPM).

ADDRESSES: Interested individuals may comment on this proposal by writing to the Privacy Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235. All comments received will be available for public inspection at 3-F-1 Operations Building, at the above address.

EFFECTIVE DATE: August 24, 1982. Data exchange will begin in fiscal year 1982 and, unless comments are received which will result in a contrary determination, will continue at least once every 6 months.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Gasparotti, Chief, Federal Programs Interface Branch, Office of System Requirements, 3-J-7 Operations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (Area Code 301) 594-6080.

SUPPLEMENTARY INFORMATION: The matching program which SSA will conduct will be an interface between OPM's Annuity Master File (**Federal Register**, dated November 25, 1980, page 74815) and SSA's Master Beneficiary Record (**Federal Register**, dated January 8, 1982, pages 1029-1031). OPM pays annuities and survivor benefits to individuals who may also receive Social Security benefits. SSA offsets the amount of certain benefits by the amount of an individual's government pension as required by amendments to the Social Security Act brought about by Public Law (Pub. L.) 92-216 and by Pub. L. 97-35. The proposed matching operation will insure accurate recording of OPM payment data on the Master Beneficiary Record.

Presently, such pension data is obtained through voluntary reporting by the beneficiary. Very often, beneficiaries are unaware of the need to report changes in the amount or initial receipt of a government pension. SSA is, therefore, unable to make a timely and proper offset of benefits, thus creating an overpayment. Obtaining government

pension data through the proposed matching operation with OPM will permit timely, proper computations of Social Security benefits, prevent overpayments, and save administrative costs of recontacting beneficiaries.

Further information regarding the matching program including the authority for the program, a description of the program, the personal records to be matched, the dates of the program, security safeguards, and plans for disposition of the records are provided in the text below.

Dated: August 6, 1982.

John A. Svahn,

Commissioner of Social Security.

Social Security Administration Matching With Office of Personnel Management Records

Authority: Section 202(b), (c), (e), (f), (g), (p) and section 226(b)(1) of the Social Security Act as amended in 1977, Public Law (Pub. L.) 96–216, section 334. Section 2208 of Pub. L. 97–35.

Description of the Matching Program

1. *Purpose.* The Office of Personnel Management (OPM) pays annuities and survivor benefits to individuals who may also receive Social Security benefits. Since the Social Security Administration (SSA) offsets the amount of certain benefits by the amount of an individual's government pension, SSA proposes to conduct a matching operation with OPM in order to insure accurate recordings of OPM payment data on the Master Beneficiary Record (MBR). Presently, government pension offset data is obtained through voluntary reporting by beneficiaries. Very often, beneficiaries are unaware of the need to report changes in the amount or initial receipt of a government pension. In addition, in many instances, changes in amount or initial receipt of a government pension are inadvertently not reported in time to properly offset benefits thus causing overpayments. An individual's OPM annuity amount changes a minimum of once a year (due to cost-of-living increases). Obtaining government pension data through a matching operation with OPM will permit timely, proper computations of Social Security benefits, prevent overpayments, and save administrative costs of recontacting beneficiaries.

2. *Procedure.* OPM will furnish SSA an index file of personal identifying data which will be processed against the MBR. SSA will build a query file containing the cases on which SSA achieves a match, and this file will be sent to OPM. For those initially matched cases, OPM will furnish SSA an extract file containing benefit amount data for updating of the MBR. This data will be used to insure proper government pension offset for affected Social Security beneficiaries. Social Security benefit amounts will be adjusted accordingly after affected beneficiaries are afforded due process. SSA will make no subsequent contact with OPM after OPM furnishes benefit amount data.

SSA may disclose data from the MBR in accordance with section 552(a)(b) of the Privacy Act which includes the routine disclosure statements published for the MBR in the **Federal Register.**

Personal Records to be Matched

SSA will match the MBR (system name: Master Beneficiary Record—09–60–0090, **Federal Register** dated January 8, 1982, pages 1029–1031) which contains all data pertinent to the payment of Social Security recipients, to the OPM Annuity Master File (system name: OPM Central 1:45, **Federal Register** dated November 25, 1980, page 78415) which contains payment data on individuals receiving OPM benefits.

Dates

Data exchange will begin in fiscal year 1982 and will be a continuing process, occurring approximately once every 6 months.

Security Safeguards

Security safeguards pertaining to the MBR as published in the **Federal Register** dated January 8, 1982 (pages 1029–1031) will apply. All magnetic tapes and discs are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must must have special badges which are issued only to authorized personnel. All microfilm and paper files are accessible only by authorized personnel with a need to know. Safeguards include a lock/unlock password system, excusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail. The same safeguards will apply to OPM tapes while they are in the possession of SSA.

Disposition of Records

All source records will be returned to OPM as soon as SSA has taken its action on the files. Information regarding "hits" will be incorportated into the MBR as necessary.

[FR Doc. 82–23032 Filed 8–23–82; 8:45 am]

BILLING CODE 4190–11–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N–82–1149]

General Prototype Housing Costs for One- to Four-Family Dwelling Units

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: On December 4, 1981 (46 FR 59494), the Department published "General Prototype Housing Costs for One- to Four-Family Dwelling Units." The Department is revising the prototype costs for all areas, based on cost data and other current information received from HUD Field Offices and the public.

EFFECTIVE DATE: August 24, 1982.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755–6720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 904 of the Housing and Community Development Act of 1977 requires HUD to publish prototype housing costs for a broad variety of one- to four-family housing in each market area. These prototype figures serve merely as an aid to the general public and *are not* applicable to prototype determinations required for public housing under the United States Housing Act of 1937. The costs for land and site improvements are included in the Section 904 prototype cost figures.

In order to cover various economic situations, prototype costs are divided into three cost ranges: low, medium and high. Data for developing the figures come from HUD Field Offices, the public, and the basic Section 203(b) mortgage insurance program. The prototype costs are generally representative of the sales prices.

Due to the lack of information on two-, three-, and four-family dwelling units, costs shown are generally for one-family dwellings only. The market areas, as designated, are the Base and Key Localities and cover both the urban and rural areas of each market area. Every HUD Field Office has maps of these designated areas. The typical low-range, one-family dwelling will contain three bedrooms and one full bath. The medium-range one-family dwelling will

contain three or four bedrooms and two full baths. The high-range one-family dwelling will contain three to five bedrooms and two or three full baths.

The figures shown below the cost range designations are the typical square-foot areas of a one-family dwelling in the captioned market area.

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

(Section 7(d), Department of HUD Act (42 U.S.C. 3535(d)); Section 904, Housing and Community Development Act of 1977 (42 U.S.C. 3540))

Dated: August 11, 1982.

Philip Abrams,

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

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS

Market area	Low range	Medium range	High range
Field Office: Boston, Mass.			
Typical square foot area	1,000	1,250	1,430
Boston:			
1-family dwelling	$56,700	$88,000	$120,800
2-family dwelling	92,800		
3-family dwelling			
4-family dwelling			
Pittsfield:			
1-family dwelling	52,900	82,200	108,100
2-family dwelling	83,800		
3-family dwelling			
4-family dwelling			
Worcester:			
1-family dwelling	52,900	82,200	108,100
2-family dwelling	83,800		
3-family dwelling			
4-family dwelling			
Springfield:			
1-family dwelling	52,400	82,200	108,100
2-family dwelling	81,700		
3-family dwelling			
4-family dwelling			
Cape Cod:			
1-family dwelling	55,700	84,500	109,700
2-family dwelling	85,100		
3-family dwelling			
4-family dwelling			
Field Office: Hartford, Conn.			
Typical square foot area	880	1,000	1,120
Hartford:			
1-family dwelling	$60,800	$72,100	$75,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
New Haven-Milford:			
1-family dwelling	59,700	70,000	73,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bridgeport-Fairfield:			
1-family dwelling	64,900	75,300	80,900
2-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
3-family dwelling			
4-family dwelling			
Field Office: Manchester, N.H.			
Typical square foot area	960	1,690	1,980
Portland, Maine:			
1-family dwelling	$51,700	$83,100	$108,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bangor, Maine:			
1-family dwelling	51,100	82,800	108,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Augusta, Maine:			
1-family dwelling	51,000	83,100	109,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Manchester:			
1-family dwelling	49,500	83,700	113,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Keene:			
1-family dwelling	48,700	80,100	109,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Portsmouth:			
1-family dwelling	52,900	85,700	114,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Burlington, Vt.:			
1-family dwelling	49,900	80,300	102,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Providence, R.I.			
Typical square foot area	1,040	1,250	1,540
Providence:			
1-family dwelling	$57,900	$73,300	$87,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Albany, N.Y.			
Typical square foot area	940	1,090	1,970
Albany-Troy:			
1-family dwelling	$44,800	$56,400	$86,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Auburn:			
1-family dwelling	45,500	55,560	84,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Binghampton:			
1-family dwelling	44,500	55,900	89,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ithaca:			
1-family dwelling	44,500	57,000	93,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Plattsburgh:			
1-family dwelling	44,500	55,900	88,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Schenectady:			
1-family dwelling	44,800	56,400	89,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Syracuse:			
1-family dwelling	46,200	58,100	91,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Utica-Rome:			
1-family dwelling	44,800	56,400	89,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Watertown:			
1-family dwelling	44,100	53,900	87,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Buffalo, N.Y.			
Typical square foot area	960	1,040	1,140
Buffalo:			
1-family dwelling	$52,300	$65,200	$77,200
2-family dwelling	78,200	95,900	113,700
3-family dwelling			
4-family dwelling			
Rochester:			
1-family dwelling	52,800	65,800	78,000
2-family dwelling	79,100	96,800	114,700
3-family dwelling			
4-family dwelling			
Elmira:			
1-family dwelling	48,100	60,100	71,300
2-family dwelling	72,200	88,700	105,300
3-family dwelling			
4-family dwelling			
Jamestown:			
1-family dwelling	47,600	59,500	70,500
2-family dwelling	71,600	88,100	104,700
3-family dwelling			
4-family dwelling			
Field Office: Camden, N.J.			
Typical square foot area	1,160	1,320	1,480
Camden-Gloucester-Burlington:			
1-family dwelling	$48,100	$64,100	$75,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Atlantic (Shore):			
1-family dwelling	49,200	68,100	88,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ocean County:			
1-family dwelling	50,200	67,800	78,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
B.A.S.C.:			
1-family dwelling	46,400	56,600	63,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mercer County:			
1-family dwelling	53,800	66,100	80,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Newark, N.J.			
Typical square foot area	1,000	1,480	1,820
Plainfield:			
1-family dwelling	$57,300	$71,100	$75,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Morristown:			
1-family dwelling	70,500	84,400	89,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
New Brunswick:			
1-family dwelling	61,600	75,400	80,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Asbury Park:			
1-family dwelling	61,900	75,500	81,100
2-family dwelling			
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Somerville:			
1-family dwelling	63,700	77,500	82,300
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: New York, N.Y.

Typical square foot area	1,040	1,490	2,440
Nassau-Suffolk:			
1-family dwelling	$41,700	$74,200	$135,500
2-family dwelling	66,700	100,700	150,600
3-family dwelling	104,400	125,400	204,400
4-family dwelling	139,400	198,000	278,500
New York City:			
1-family dwelling	45,700	83,100	122,500
2-family dwelling	72,600	106,800	154,900
3-family dwelling	117,100	137,100	254,600
4-family dwelling	126,300	184,100	318,400
Rockland:			
1-family dwelling	49,200	75,300	123,400
2-family dwelling	66,700	103,100	146,300
3-family dwelling	102,200	123,900	198,700
4-family dwelling	122,600	192,400	281,400
Orange:			
1-family dwelling	42,600	72,200	125,300
2-family dwelling	65,800	102,400	150,800
3-family dwelling	107,600	114,900	193,000
4-family dwelling	124,200	181,600	262,900
Dutchess-Ulster-Sullivan:			
1-family dwelling	40,700	68,800	114,200
2-family dwelling	66,700	98,800	140,900
3-family dwelling	102,200	110,900	179,100
4-family dwelling	120,400	179,400	251,100

Field Office: San Juan, P.R.

Typical square foot area	860	1,160	1,620
San Juan:			
1-family dwelling	$46,500	$57,500	$67,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ponce:			
1-family dwelling	42,700	55,800	67,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mayaguez:			
1-family dwelling	44,000	56,200	69,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Baltimore, MD.

Typical square foot area	1,090	1,660	1,950
Baltimore:			
1-family dwelling	$72,200	$87,800	$98,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hagerstown:			
1-family dwelling		59,100	92,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Salisbury:			
1-family dwelling	56,500	64,200	76,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Waldorf:			
1-family dwelling	58,000	85,500	106,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Charleston, W VA.

Typical square foot area	980	1,150	2,600
Charleston:			
1-family dwelling	$55,500	$95,000	$147,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Beckley, Princeton-Bluefield:			
1-family dwelling	53,800	91,800	142,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Martinsburg:			
1-family dwelling	52,100	88,600	137,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wheeling:			
1-family dwelling	56,500	96,900	150,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Huntington:			
1-family dwelling	52,800	89,900	139,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Parkersburg:			
1-family dwelling	52,000	88,700	138,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Upper Monongahela Valley:			
1-family dwelling	54,700	93,600	145,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Philadelphia,

Typical square foot area	1,220	1,790	2,200
Philadelphia: Pa.			
1-family dwelling	$43,000	$74,500	$133,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pottstown-Reading:			
1-family dwelling	43,000	74,500	122,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Allentown-Bethlehem-Easton:			
1-family dwelling	44,000	76,000	135,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lancaster-York:			
1-family dwelling	42,000	74,000	120,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Harrisburg:			
1-family dwelling	41,700	73,000	119,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wilkes-Barrier-Scranton:			
1-family dwelling	44,000	76,000	135,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bellefonte:			
1-family dwelling	43,000	74,000	133,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tioga:			
1-family dwelling	43,000	74,000	133,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wilmington-State of Delaware:			
1-family dwelling	43,000	74,500	133,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Pittsburgh, Pa.

Typical square foot area	960	1,440	2,210
Pittsburgh:			
1-family dwelling	$62,800	$90,500	$109,800

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
2-family dwelling			
3-family dwelling			
4-family dwelling			
Eire:			
1-family dwelling	61,800	89,000	108,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Altoona:			
1-family dwelling	61,700	88,700	109,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Johnstown:			
1-family dwelling	60,700	86,900	107,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Richmond, Va.

Typical square foot area	1,090	2,110	2,240
Charlottesville:			
1-family dwelling	$52,100	$65,600	$99,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Danville:			
1-family dwelling	43,800	57,100	94,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fredericksburg:			
1-family dwelling	52,100	67,400	101,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lynchburg:			
1-family dwelling	44,500	59,100	89,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Newport News-Hampton:			
1-family dwelling	55,200	69,700	101,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Norfolk-Virginia Beach:			
1-family dwelling	65,200	79,900	114,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Petersburg:			
1-family dwelling	49,600	65,300	97,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Portsmouth-Chesapeake:			
1-family dwelling	59,000	74,600	108,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Richmond:			
1-family dwelling	55,200	69,600	102,400
2-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS

Market area	Low range	Medium range	High range
3-family dwelling			
4-family dwelling			
Roanoke:			
1-family dwelling	44,000	65,400	92,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Winchester:			
1-family dwelling	53,400	68,800	100,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Washington, D.C.

Typical square foot area	1,060	1,380	2,510
Washington Metropolitan Area:			
1-family dwelling	$113,700	$153,200	$208,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Atlanta, Ga.

Typical square foot area	980	1,420	2,130
Atlanta:			
1-family dwelling	$44,100	$69,600	$98,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Athens:			
1-family dwelling	39,700	60,700	85,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Albany:			
1-family dwelling	38,500	61,200	89,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Augusta:			
1-family dwelling	39,000	60,800	87,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Columbus:			
1-family dwelling	38,500	60,700	86,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rome:			
1-family dwelling	39,800	61,700	89,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Savannah:			
1-family dwelling	43,400	66,400	94,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Macon:			
1-family dwelling	39,000	60,800	87,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range

Field Office: Birmingham, Ala.

Typical square foot area	1,080	1,820	2,420
Birmingham:			
1-family dwelling	$51,200	$77,300	$99,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Florence:			
1-family dwelling	47,900	70,500	89,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Huntsville:			
1-family dwelling	49,800	72,500	94,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gadsden:			
1-family dwelling	46,800	71,600	91,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Anniston:			
1-family dwelling	46,700	70,800	89,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tuscaloosa:			
1-family dwelling	48,100	69,700	87,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Montgomery:			
1-family dwelling	46,600	69,600	92,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Dothan:			
1-family dwelling	44,100	67,800	92,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mobile:			
1-family dwelling	50,400	73,000	95,300
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Columbia, S.C.

Typical Square foot area	1,070	1,360	1,510
Aiken-Rock Hill:			
1-family dwelling	$45,500	$56,000	$62,000
2-family dwelling	64,600	82,400	
3-family dwelling			
4-family dwelling			
Columbia-Florence-Orangeburg:			
1-family dwelling	45,400	57,800	65,400
2-family dwelling	64,200	82,800	
3-family dwelling			
4-family dwelling			
Charleston-Myrtle Beach:			
1-family dwelling	48,400	60,700	69,600
2-family dwelling	68,000	88,100	
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Greenville:			
1-family dwelling	46,400	58,300	66,000
2-family dwelling	65,700	85,000	
3-family dwelling			
4-family dwelling			
Field Office: Coral Gable, Fla.			
Typical square foot area	950	1,250	1,970
Miami:			
1-family dwelling	$65,300	$77,600	$122,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fort Lauderdale:			
1-family dwelling	58,500	74,500	111,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
West Palm Beach:			
1-family dwelling	51,800	75,000	109,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fort Myers:			
1-family dwelling	47,800	64,000	99,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Key West:			
1-family dwelling	48,400	71,700	111,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Greensboro, N.C.			
Typical square foot area	1,000	1,300	1,680
Greensboro:			
1-family dwelling	$53,300	$64,900	$75,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Asheville:			
1-family dwelling	47,600	58,700	78,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Charlotte:			
1-family dwelling	45,200	70,800	76,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Elizabeth City:			
1-family dwelling	40,600	48,700	59,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Greenville:			
1-family dwelling	40,900	52,200	64,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Raleigh:			
1-family dwelling	52,000	70,800	75,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wilmington:			
1-family dwelling	43,400	56,000	75,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Jackson, Miss.			
Typical square foot area	1,170	1,860	2,560
Biloxi-Gulfport:			
1-family dwelling	$45,700	$72,900	$103,600
2-family dwelling	71,600		
3-family dwelling			
4-family dwelling	115,800		
Columbus:			
1-family dwelling	45,800	74,200	105,600
2-family dwelling	73,400		
3-family dwelling			
4-family dwelling	118,200		
Greenville:			
1-family dwelling	42,800	71,600	110,900

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
2-family dwelling	69,800		
3-family dwelling			
4-family dwelling	112,600		
Hattiesburg:			
1-family dwelling	45,800	73,100	104,500
2-family dwelling	72,900		
3-family dwelling			
4-family dwelling	118,800		
Jackson:			
1-family dwelling	46,300	74,000	108,900
2-family dwelling	77,700		
3-family dwelling			
4-family dwelling	118,900		
Laurel:			
1-family dwelling	45,400	75,100	102,100
2-family dwelling	74,400		
3-family dwelling			
4-family dwelling	117,700		
Meridian:			
1-family dwelling	43,400	71,500	98,800
2-family dwelling	70,700		
3-family dwelling			
4-family dwelling	114,000		
Natchez:			
1-family dwelling	42,300	70,800	98,700
2-family dwelling	69,000		
3-family dwelling			
4-family dwelling	111,900		
Vicksburg:			
1-family dwelling	44,600	73,800	100,200
2-family dwelling	72,500		
3-family dwelling			
4-family dwelling	117,000		
Southaven:			
1-family dwelling	48,100	77,300	108,700
2-family dwelling	76,400		
3-family dwelling			
4-family dwelling	123,500		
Field Office: Jacksonville, Fla.			
Typical square foot area	1,090	1,350	1,620
Jacksonville:			
1-family dwelling	$46,600	$58,400	$72,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gainesville:			
1-family dwelling	42,900	52,600	66,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tallahassee:			
1-family dwelling	41,500	54,300	61,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Panana City:			
1-family dwelling	43,700	50,900	65,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pensacola-Fort Walton Beach:			
1-family dwelling	46,400	50,400	67,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Knoxville, Tenn.			
Typical square foot area	980	1,030	1,300
Knoxville:			
1-family dwelling			
2-family dwelling	$45,000	$51,500	$61,500
2-family dwelling		63,000	79,500
3-family dwelling			
4-family dwelling	124,000	132,000	
Chattanooga:			
1-family dwelling	44,000	51,000	60,500
2-family dwelling		62,000	78,500
3-family dwelling			
4-family dwelling	122,000	129,500	
Kingsport:			
1-family dwelling	43,500	50,000	59,000
2-family dwelling		61,000	76,500
3-family dwelling			
4-family dwelling	120,500	128,000	

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Johnson City:			
1-family dwelling	44,000	51,000	60,000
2-family dwelling		61,500	77,000
3-family dwelling			
4-family dwelling	120,500	129,000	
Field Office: Louisville, Ky.			
Typical square foot area	930	1,630	1,930
Louisville:			
1-family dwelling	$47,200	$57,000	$78,100
2-family dwelling	57,900	117,000	
3-family dwelling			
4-family dwelling	132,100	169,900	
Owensboro:			
1-family dwelling	46,700	58,700	77,100
2-family dwelling	57,600	116,500	
3-family dwelling			
4-family dwelling	132,100	166,900	
Ashland:			
1-family dwelling	48,400	57,800	80,200
2-family dwelling	60,600	122,900	
3-family dwelling			
4-family dwelling	136,400	174,200	
Covington:			
1-family dwelling	48,700	58,800	80,900
2-family dwelling	60,000	121,000	
3-family dwelling			
4-family dwelling	137,000	176,400	
Paducah:			
1-family dwelling	45,800	56,700	75,900
2-family dwelling	57,700	115,400	
3-family dwelling			
4-family dwelling	130,300	167,300	
Field Office: Memphis, Tenn.			
Typical square foot area	1,020	2,020	3,050
Memphis:			
1-family dwelling	$46,200	$73,900	$95,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Jackson:			
1-family dwelling	46,000	73,600	94,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Nashville, Tenn.			
Typical square foot area	1,060	1,300	1,800
Nashville:			
1-family dwelling	$41,500	$67,500	$79,900
2-family dwelling	54,000	78,000	
3-family dwelling			
4-family dwelling			
Field Office: Orlando, Fla.			
Typical square foot area	1,050	1,200	1,760
Orange-Seminole-Osceeola:			
1-family dwelling	$43,400	$53,200	$75,200
2-family dwelling		73,300	
3-family dwelling			
4-family dwelling			
Brevard-Indian River-St. Lucie:			
1-family dwelling	43,700	53,200	75,800
2-family dwelling		72,800	
3-family dwelling			
4-family dwelling			
Volusia:			
1-family dwelling	44,500	52,200	74,200
2-family dwelling		71,700	
3-family dwelling			
4-family dwelling			
Field Office: Tampa, Fla.			
Typical square foot area	1,010	1,320	1,680
Tampa:			
1-family dwelling	$42,500	$65,900	$100,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Lakeland:			
1-family dwelling	36,100	59,100	101,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bradenton-Sarasota:			
1-family dwelling	43,400	61,900	94,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Chicago, Ill.			
Typical square foot area	1,130	1,500	2,000
Chicago:			
1-family dwelling	$50,700	$101,000	$140,600
2-family dwelling	94,500	119,300	146,300
3-family dwelling			
4-family dwelling			
Rockford:			
1-family dwelling	47,700	87,600	120,000
2-family dwelling	83,100	103,700	127,200
3-family dwelling			
4-family dwelling			
Rock Island:			
1-family dwelling	48,900	89,800	125,100
2-family dwelling	87,000	106,200	130,200
3-family dwelling			
4-family dwelling			
Sterling:			
1-family dwelling	46,900	87,000	121,500
2-family dwelling	83,200	102,600	125,800
3-family dwelling			
4-family dwelling			
Field Office: Cincinnati, Ohio			
Typical square foot area	1,120	1,220	2,020
Cincinnati:			
1-family dwelling	$55,000	$66,900	$99,200
2-family dwelling	99,300		
3-family dwelling			
4-family dwelling	155,300	181,400	
Dayton:			
1-family dwelling	52,000	64,100	97,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Cleveland, Ohio			
Typical square foot area	1,040	1,320	1,790
Cleveland:			
1-family dwelling	$62,300	$93,600	$157,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Akron:			
1-family dwelling	59,500	89,600	150,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Toledo:			
1-family dwelling	61,300	92,400	156,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Youngstown:			
1-family dwelling	59,100	88,400	149,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Findlay:			
1-family dwelling	56,600	83,500	140,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mansfield:			
1-family dwelling	57,800	86,300	145,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lorain:			
1-family dwelling	60,900	91,100	154,400
2-family dwelling			
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Field Office: Columbus, Ohio			
Typical square foot area	940	1,680	2,210
Columbus:			
1-family dwelling	$47,700	$74,700	$112,300
2-family dwelling	85,300	108,600	
3-family dwelling			
4-family dwelling			180,100
Athens:			
1-family dwelling	42,100	76,000	111,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lima:			
1-family dwelling	47,300	84,700	111,600
2-family dwelling	94,100	116,100	
3-family dwelling			
4-family dwelling			
Zanesville:			
1-family dwelling	46,500	66,900	101,400
2-family dwelling			
3-family dwelling		121,300	
4-family dwelling			
Newark:			
1-family dwelling	52,000	73,900	97,600
2-family dwelling	78,100	99,200	
3-family dwelling		126,600	
4-family dwelling			145,400
Springfield:			
1-family dwelling	47,600	78,900	109,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Troy:			
1-family dwelling	41,900	78,500	109,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Detroit, Mich.			
Typical square foot area	900	1,600	2,300
Detroit:			
1-family dwelling	$53,900	$68,400	$99,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Flint, Mich.			
Typical square foot area	1,000	1,220	1,530
Flint:			
1-family dwelling	$38,000	$58,000	$90,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Saginaw:			
1-family dwelling	43,000	55,000	80,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bay City:			
1-family dwelling	43,000	55,000	80,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Midland:			
1-family dwelling	50,000	68,000	90,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Grand Rapids, Mich.			
Typical square foot area	1,060	1,200	1,720
Grand Rapids:			
1-family dwelling	$52,600	$81,500	$139,200
2-family dwelling	100,100	149,400	187,000
3-family dwelling			
4-family dwelling			
Benton Harbor:			
1-family dwelling	51,000	80,800	146,200
2-family dwelling	109,100	157,600	197,400
3-family dwelling			
4-family dwelling			
Jackson:			
1-family dwelling	54,600	85,500	145,400
2-family dwelling	104,500	156,100	197,000

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
3-family dwelling			
4-family dwelling			
Lansing:			
1-family dwelling	57,100	83,200	146,000
2-family dwelling	106,700	157,200	196,200
3-family dwelling			
4-family dwelling			
Battle Creek:			
1-family dwelling	56,400	89,900	144,100
2-family dwelling	104,100	156,000	195,800
3-family dwelling			
4-family dwelling			
Muskegon:			
1-family dwelling	52,500	78,600	136,200
2-family dwelling	98,100	146,700	184,900
3-family dwelling			
4-family dwelling			
Traverse City:			
1-family dwelling	51,500	78,000	134,500
2-family dwelling	97,200	143,800	181,700
3-family dwelling			
4-family dwelling			
Mount Pleasant:			
1-family dwelling	56,000	83,900	141,800
2-family dwelling	104,300	154,200	193,600
3-family dwelling			
4-family dwelling			
Marquette:			
1-family dwelling	52,400	79,300	136,900
2-family dwelling	96,800	145,300	183,900
3-family dwelling			
4-family dwelling			
Field Office: Indianapolis, Ind.			
Typical square foot area	1,060	1,120	2,100
Indianapolis:			
1-family dwelling	$50,300	$67,000	$99,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fort Wayne:			
1-family dwelling	50,300	66,500	96,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Terra Haute:			
1-family dwelling	52,000	68,900	105,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gary:			
1-family dwelling	57,200	72,000	107,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Milwaukee, Wisc.			
Typical square foot area	1,200	16,500	2,030
Milwaukee:			
1-family dwelling	$69,900	$108,100	$165,400
2-family dwelling	118,400	151,800	216,800
3-family dwelling	174,700	225,600	320,600
4-family dwelling	233,300	304,000	432,400
Madison:			
1-family dwelling	64,400	99,900	153,800
2-family dwelling	108,800	140,700	201,700
3-family dwelling	159,700	208,300	297,100
4-family dwelling	214,100	278,700	399,300
Green Bay:			
1-family dwelling	55,800	91,300	143,800
2-family dwelling	98,900	129,900	189,700
3-family dwelling	150,500	196,700	283,000
4-family dwelling	201,600	263,300	378,400
Eau Claire:			
1-family dwelling	52,700	87,000	136,300
2-family dwelling	95,600	126,100	185,300
3-family dwelling	143,400	189,200	274,900
4-family dwelling	192,100	255,400	372,700
Superior:			
1-family dwelling	53,500	89,800	142,500
2-family dwelling	99,500	131,900	194,600
3-family dwelling	149,400	198,000	288,600
4-family dwelling	199,600	265,600	388,700
Field Office: Minneapolis, Minn.			
Typical square foot area	1,090	1,260	2,010

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Minneapolis:			
1-family dwelling	$67,000	$89,400	$121,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
St. Paul:			
1-family dwelling	67,000	89,400	121,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hibbing:			
1-family dwelling	62,900	84,100	115,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Duluth:			
1-family dwelling	63,400	84,800	115,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Moorhead:			
1-family dwelling	59,500	80,100	109,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rochester-Austin:			
1-family dwelling	63,100	84,300	115,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
St. Cloud:			
1-family dwelling	63,100	84,300	115,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mankato-Worthington:			
1-family dwelling	63,100	84,300	115,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Springfield, Ill.

Typical square foot area:	1,130	1,350	2,020
Springfield-Peoria-Pekin:			
1-family dwelling	$61,600	$73,200	$84,500
2-family dwelling	70,600	74,600	85,100
3-family dwelling	97,700	105,200	119,300
4-family dwelling	112,200	136,900	145,000
Bloomington-Normal:			
1-family dwelling	$61,600	$73,200	$84,500
2-family dwelling	70,600	74,600	85,100
3-family dwelling	97,700	105,200	119,300
4-family dwelling	112,200	136,900	145,000
Champaign-Urbana:			
1-family dwelling	$61,600	$73,200	$84,500
2-family dwelling	70,600	74,600	85,100
3-family dwelling	97,700	105,200	119,300
4-family dwelling	112,200	136,900	145,000
Belleville-Alton:			
1-family dwelling	$61,600	$73,200	$84,500
2-family dwelling	70,600	74,600	85,100
3-family dwelling	97,700	105,200	119,300
4-family dwelling	112,200	136,900	145,000

Field Office: Albuquerque, N. Mex.

Typical square foot area:	1,160	1,680	2,000
1-family dwelling	$57,300	$81,700	$114,200
2-family dwelling			
3-family dwelling		111,600	
4-family dwelling		133,300	
Santa Fe:			
1-family dwelling	58,500	84,900	116,500
2-family dwelling			
3-family dwelling		118,500	
4-family dwelling		142,000	
Clovis:			
1-family dwelling	43,400	62,500	82,700
2-family dwelling			
3-family dwelling		92,000	
4-family dwelling		108,400	
Hobbs:			
1-family dwelling	49,500	70,700	92,700
2-family dwelling			
3-family dwelling		107,700	
4-family dwelling		126,600	
Las Cruces:			
1-family dwelling	50,200	71,300	94,200
2-family dwelling			
3-family dwelling		104,800	
4-family dwelling		124,500	

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Field Office: Dallas, Tex.			
Typical square foot area:	1,090	1,600	2,390
Dallas:			
1-family dwelling	$50,700	$82,100	145,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Waco:			
1-family dwelling	46,200	70,900	136,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tyler:			
1-family dwelling	45,000	66,000	135,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Fort Worth, Tex.			
Typical square foot area:	1,400	1,600	2,200
Fort Worth:			
1-family dwelling	$62,300	69,700	89,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wichita Falls:			
1-family dwelling	60,400	68,900	87,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Abilene:			
1-family dwelling	49,600	67,400	86,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Brownwood:			
1-family dwelling	46,400	56,800	84,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Angelo:			
1-family dwelling	46,400	64,300	84,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Houston, Tex.			
Typical square foot area	1,100	1,620	2,150
Houston:			
1-family dwelling	$55,600	$75,200	$96,400
2-family dwelling	94,400	113,000	122,300
3-family dwelling			
4-family dwelling			
Beaumont-Fort Arthur:			
1-family dwelling	53,600	73,100	94,100
2-family dwelling	91,500	130,400	119,000
3-family dwelling			
4-family dwelling			
Texas City-Galveston:			
1-family dwelling	55,100	74,900	96,300
2-family dwelling	93,800	106,400	122,000
3-family dwelling			
4-family dwelling			
Field Office: Little Rock, Ark.			
Typical square foot area	1,200	1,260	2,420
Little Rock:			
1-family dwelling	$43,000	$51,500	$89,400
2-family dwelling		87,900	
3-family dwelling			
4-family dwelling	110,400	121,700	
Texarkana:			
1-family dwelling	43,700	50,700	84,900
2-family dwelling		86,600	94,500
3-family dwelling			
4-family dwelling	112,300	122,110	142,400
Jonesboro:			
1-family dwelling	41,500	50,000	84,900
2-family dwelling		83,400	93,200
3-family dwelling			
4-family dwelling	106,300	116,900	138,800
Fort Smith:			
1-family dwelling	42,600	51,300	89,200
2-family dwelling		86,100	97,700
3-family dwelling			
4-family dwelling	109,600	122,100	142,400
Fayetteville:			
1-family dwelling	42,600	15,300	89,200
2-family dwelling		86,100	96,100
3-family dwelling			
4-family dwelling	109,100	122,100	142,400

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Field Office: Lubbock, Tex.			
Typical square foot area	1,040	1,390	1,700
Amarillo:			
1-family dwelling	$41,400	$64,100	$88,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
El Paso:			
1-family dwelling	43,600	69,700	91,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lubbock:			
1-family dwelling	41,300	63,300	86,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Midland-Odessa:			
1-family dwelling	42,000	68,400	97,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: New Orleans, La.			
Typical square foot area	980	1,470	2,260
New Orleans:			
1-family dwelling	$47,000	$70,600	$118,300
2-family dwelling	73,000	115,000	
3-family dwelling			
4-family dwelling	144,700	187,500	
Baton Rouge:			
1-family dwelling	38,800	70,200	119,000
2-family dwelling	64,100	101,000	
3-family dwelling			
4-family dwelling	119,400	168,100	
Houma:			
1-family dwelling	41,900	66,000	105,000
2-family dwelling	69,100	101,000	
3-family dwelling			
4-family dwelling	125,200	159,700	
Lafayette:			
1-family dwelling	42,300	70,000	120,300
2-family dwelling	62,200	97,600	
3-family dwelling			
4-family dwelling	128,000	164,200	
Lake Charles:			
1-family dwelling	39,000	64,300	103,400
2-family dwelling	58,000	93,600	
3-family dwelling			
4-family dwelling	119,300	155,000	
Field Office: Oklahoma City, Okla.			
Typical square foot area	1,060	1,420	1,730
Oklahoma City:			
1-family dwelling	$50,900	$66,900	$74,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Enid:			
1-family dwelling	48,700	64,700	71,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lawton:			
1-family dwelling	48,100	62,200	69,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Woodward:			
1-family dwelling	49,500	64,700	71,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ardmore:			
1-family dwelling	48,300	62,800	70,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: San Antonio, Tex.			
Typical square foot area	900	1,310	1,900
San Antonio:			
1-family dwelling	$42,400	$61,500	$84,200
2-family dwelling	64,900	71,600	94,500

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
3-family dwelling			
4-family dwelling			
Austin:			
1-family dwelling	43,200	62,300	86,500
2-family dwelling	64,900	71,000	94,500
3-family dwelling			
4-family dwelling			
Corpus Christi:			
1-family dwelling	45,400	64,000	86,500
2-family dwelling	67,200	71,600	92,200
3-family dwelling			
4-family dwelling			
Rio Grande Valley:			
1-family dwelling	41,400	58,900	79,100
2-family dwelling	62,800	67,100	87,800
3-family dwelling			
4-family dwelling			
Field Office: Shreveport, La.			
Typical square foot area	1,090	1,650	2,280
Shreveport:			
1-family dwelling	$55,200	$86,000	$110,400
2-family dwelling			119,200
3-family dwelling			
4-family dwelling			147,600
Monroe:			
1-family dwelling	50,800	80,200	100,500
2-family dwelling			109,000
3-family dwelling			
4-family dwelling			137,500
Alexandria:			
1-family dwelling	53,800	83,800	106,500
2-family dwelling			115,100
3-family dwelling			
4-family dwelling			141,700
Marshall, Tex.:			
1-family dwelling	48,200	79,500	104,000
2-family dwelling			112,600
3-family dwelling			
4-family dwelling			141,500
Field Office: Tulsa, Okla.			
Typical square foot area	1,220	1,530	1,920
Tulsa:			
1-family dwelling	$60,200	$77,000	$97,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bartlesville:			
1-family dwelling	56,400	74,900	94,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
McAlester:			
1-family dwelling	53,200	70,400	88,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Muskogee:			
1-family dwelling	53,900	70,200	87,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Des Moines, Iowa			
Typical square foot area	860	1,360	2,100
Cedar Rapids-Waterloo:			
1-family dwelling	$45,900	$67,400	$111,100
2-family dwelling	79,400	120,700	
3-family dwelling			
4-family dwelling	102,800	146,200	
Des Moines-Council Bluffs:			
1-family dwelling	45,200	66,500	109,600
2-family dwelling	78,300	119,000	
3-family dwelling			
4-family dwelling	110,700	147,400	
Davenport:			
1-family dwelling	47,200	69,200	114,100
2-family dwelling	81,600	124,100	
3-family dwelling			
4-family dwelling	114,100	152,100	
Mason City:			
1-family dwelling	44,900	66,100	108,900
2-family dwelling	77,800	118,100	
3-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
4-family dwelling	109,000	145,000	
Sioux City			
1-family dwelling	44,600	65,600	108,100
2-family dwelling	77,200	117,300	
3-family dwelling			
4-family dwelling	109,900	146,200	

Field Office: Kansas City, Mo.

Typical square foot area	1,060	1,700	2,150
1-family dwelling	$56,000	$97,000	$137,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Joplin:			
1-family dwelling	56,500	74,000	122,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Sedalia:			
1-family dwelling	48,000	73,000	122,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Springfield:			
1-family dwelling	55,500	70,000	111,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
St. Joseph:			
1-family dwelling	52,500	66,500	136,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Omaha, Nebr.

Typical square foot area	860	960	1,400
Omaha:			
1-family dwelling	$44,600	$61,700	$106,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lincoln:			
1-family dwelling	47,300	64,800	114,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Norfolk:			
1-family dwelling	43,000	60,600	103,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Island:			
1-family dwelling	44,000	60,700	100,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
North Platte-Scottsbluff:			
1-family dwelling	39,500	56,600	99,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: St. Louis, Mo.

Typical square foot area	1,050	1,800	2,360
St. Louis:			
1-family dwelling	$47,200	$61,500	$101,400
2-family dwelling		77,800	111,000
3-family dwelling			
4-family dwelling			
Kirksville:			
1-family dwelling	42,900	57,300	96,200
2-family dwelling		73,500	102,500
3-family dwelling			
4-family dwelling			
Columbia:			
1-family dwelling	44,000	57,300	97,200
2-family dwelling		74,600	106,000
3-family dwelling			
4-family dwelling			
Rolla:			
1-family dwelling	44,200	57,800	95,900
2-family dwelling		73,800	104,500
3-family dwelling			
4-family dwelling			
Cape Girardeau:			
1-family dwelling	43,400	57,800	95,500

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
2-family dwelling		73,300	104,300
3-family dwelling			
4-family dwelling			

Field Office: Topeka, Kans.

Typical square foot area	1,060	1,700	2,150
Topeka:			
1-family dwelling	$52,500	$88,500	$116,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pittsburg:			
1-family dwelling	55,000	87,000	114,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wichita:			
1-family dwelling	51,500	86,500	118,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Garden City:			
1-family dwelling	53,000	85,000	113,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Casper, Wyo

Typical square foot area	900	1,930	1,700
Casper:			
1-family dwelling	$57,500	$84,800	$112,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Cheyenne:			
1-family dwelling	51,500	78,300	103,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Cody-Powell:			
1-family dwelling	53,600	76,700	99,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Jackson:			
1-family dwelling	68,800	104,900	137,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Laramie:			
1-family dwelling	52,700	76,600	103,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gillette:			
1-family dwelling	59,000	83,100	106,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Riverton:			
1-family dwelling	57,800	81,900	106,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rock Springs:			
1-family dwelling	58,800	86,800	113,100
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Denver, Colo

Typical square foot area	860	1,610	2,110
Denver:			
1-family dwelling	$48,300	$97,100	$137,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Colorado Springs:			
1-family dwelling	43,400	86,300	123,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pueblo:			
1-family dwelling	37,900	81,400	116,900
2-family dwelling			
3-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
4-family dwelling			
Durango-Cortez:			
1-family dwelling	49,400	98,300	144,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Junction:			
1-family dwelling	47,300	95,100	138,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Greeley:			
1-family dwelling	46,700	96,400	134,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fort Collins:			
1-family dwelling	50,300	95,900	134,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Aspen-Carbondale:			
1-family dwelling	65,800	121,300	165,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rangely:			
1-family dwelling	44,500	90,300	127,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Leadville:			
1-family dwelling	39,500	84,100	124,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gorgetown:			
1-family dwelling	59,600	107,400	146,900
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Fargo, N. Dak.

Typical square foot area	960	970	1,330
Fargo:			
1-family dwelling	$65,400	$89,600	$115,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bismarck:			
1-family dwelling	63,100	88,000	113,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Dickinson:			
1-family dwelling	65,300	88,100	117,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Forks:			
1-family dwelling	64,200	88,600	114,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Minot:			
1-family dwelling	63,800	88,600	114,900
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Helena, Mont.

Typical square foot area	860	1,330	1,600
Missoula:			
1-family dwelling	$51,000	$83,200	$108,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Billings:			
1-family dwelling	49,700	80,600	107,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lewiston:			
1-family dwelling	48,500	78,300	104,400
2-family dwelling			
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Helena:			
1-family dwelling	50,000	81,100	108,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Great Falls:			
1-family dwelling	51,000	81,100	108,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Butte:			
1-family dwelling	50,100	82,100	108,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bozeman:			
1-family dwelling	52,800	87,800	114,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Salt Lake City, Utah

Typical square foot area	890	1,110	1,640
Salt Lake City:			
1-family dwelling	$53,200	$63,200	$109,800
2-family dwelling			
3-family dwelling			
4-family dwelling		145,600	
Cedar City:			
1-family dwelling	49,400	62,400	101,800
2-family dwelling			
3-family dwelling			
4-family dwelling		130,300	
Provo-Orem:			
1-family dwelling	53,500	62,100	110,700
2-family dwelling			
3-family dwelling			
4-family dwelling		147,600	
Logan:			
1-family dwelling	50,600	56,300	109,300
2-family dwelling			
3-family dwelling			
4-family dwelling		143,100	

Field Office: Sioux Falls, S. Dak.

Typical square foot area	900	1,450	1,700
Sioux Falls:			
1-family dwelling	$49,000	$84,700	$120,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Aberdeen:			
1-family dwelling	46,800	80,800	115,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rapid City:			
1-family dwelling	48,800	84,500	120,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mitchell:			
1-family dwelling	46,700	80,800	116,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pierre:			
1-family dwelling	48,400	82,400	117,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Watertown:			
1-family dwelling	46,900	81,000	116,400
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Fresno, Calif.

Typical square foot area	1,150	1,580	2,000
Fresno:			
1-family dwelling	$58,000	$84,300	$146,000
2-family dwelling	92,500	146,800	229,300
3-family dwelling			
4-family dwelling			
Modesto:			
1-family dwelling	57,000	82,800	143,500

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
2-family dwelling	91,300	142,800	226,000
3-family dwelling			
4-family dwelling			
Visalia:			
1-family dwelling	53,300	78,800	136,000
2-family dwelling	88,000	139,300	217,800
3-family dwelling			
4-family dwelling			
Bakersfield:			
1-family dwelling	55,800	81,800	141,300
2-family dwelling	90,500	142,800	222,300
3-family dwelling			
4-family dwelling			

Field Office: Honolulu, Hawaii

Typical square foot area	900	1,400	1,800
Honolulu:			
1-family dwelling	$120,000	$200,000	$275,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Maui:			
1-family dwelling	125,000	185,000	245,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
1-family dwelling	105,000	150,000	190,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Kauai:			
1-family dwelling	110,000	150,000	190,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Guam:			
1-family dwelling	65,000	115,000	140,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Las Vegas, Nev.

Typical square foot area	900	1,390	2,200
Las Vegas:			
1-family dwelling	$54,000	$79,000	$109,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Los Angeles, Calif.

Typical square foot area	1,230	1,280	2,760
Los Angeles:			
1-family dwelling	$79,400	$102,400	$170,600
2-family dwelling	116,200		
3-family dwelling			
4-family dwelling	187,900	226,700	
Lancaster-Palmdale:			
1-family dwelling	69,500	91,700	157,300
2-family dwelling	101,900		
3-family dwelling			
4-family dwelling	173,900	211,200	
Ventura-Oxnard:			
1-family dwelling	69,000	92,400	162,200
2-family dwelling	102,700		
3-family dwelling	177,500	216,300	
4-family dwelling			
Santa Barbara-Ojai-Piru:			
1-family dwelling	89,100	112,500	180,300
2-family dwelling	122,800		
3-family dwelling			
4-family dwelling	197,600	236,500	
San Luis Obispo-Santa Maria-Paso Robles:			
1-family dwelling	67,800	88,000	154,900
2-family dwelling	100,000		
3-family dwelling			
4-family dwelling	171,400	204,800	

Field Office: Phoenix, Ariz.

Typical square foot area	840	1,240	2,370
Phoenix:			
1-family dwelling	$37,300	$70,600	$142,800
2-family dwelling	69,600	98,900	142,700
3-family dwelling	96,500	118,700	
4-family dwelling	117,600	143,900	195,600

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Flagstaff:			
1-family dwelling	40,100	75,200	149,200
2-family dwelling	69,000	102,900	143,500
3-family dwelling	96,400	120,900	
4-family dwelling	118,000	146,500	197,000
Prescott:			
1-family dwelling	40,300	71,200	136,200
2-family dwelling	70,500	96,900	138,500
3-family dwelling	96,100	120,300	
4-family dwelling	123,000	149,800	202,800
Yuma:			
1-family dwelling	36,100	65,600	133,800
2-family dwelling	67,100	95,900	133,700
3-family dwelling	92,500	113,700	
4-family dwelling	112,600	138,900	186,600

Field Office: Reno, Nev.

Typical square foot area	1,160	1,380	2,190
Reno-Sparks:			
1-family dwelling	$71,500	$96,000	$139,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Sacramento, Calif.

Typical square foot area	840	1,190	1,810
Sacramento:			
1-family dwelling	$55,000	$75,400	$107,900
2-family dwelling		101,600	122,300
3-family dwelling			
4-family dwelling		204,800	
Placerville:			
1-family dwelling	63,200	71,700	113,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Chico:			
1-family dwelling	51,200	62,700	113,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Yreka:			
1-family dwelling	54,700	69,300	
2-family dwelling	94,900		
3-family dwelling			
4-family dwelling			

Field Office: San Diego, Calif.

Typical square foot area	940	1,640	2,640
San Diego:			
1-family dwelling	$66,900	$101,400	$136,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: San Francisco, Calif.

Typical square foot area	1,260	1,470	2,090
San Francisco:			
1-family dwelling	$108,500	$152,000	$243,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Jose:			
1-family dwelling	102,300	135,300	210,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Rafael:			
1-family dwelling	124,500	152,600	228,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Salinas:			
1-family dwelling	80,100	100,300	163,100
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Santa Ana, Calif.

Typical square foot area	1,120	1,710	2,190
Santa Ana:			
1-family dwelling	$67,500	$119,000	$178,800
2-family dwelling		179,300	

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
3-family dwelling			
4-family dwelling			
Victorville:			
1-family dwelling	59,500	113,800	
2-family dwelling		146,500	
3-family dwelling			
4-family dwelling			
Indio:			
1-family dwelling	62,000	116,500	
2-family dwelling		149,500	
3-family dwelling			
4-family dwelling			
Blythe:			
1-family dwelling	58,500	112,300	
2-family dwelling		143,500	
3-family dwelling			
4-family dwelling			
Big Bear:			
1-family dwelling	65,500	123,300	
2-family dwelling		154,500	
3-family dwelling			
4-family dwelling			
Bishop:			
1-family dwelling	61,300	117,000	
2-family dwelling		148,800	
3-family dwelling			
4-family dwelling			

Field Office: Tucson, Ariz.

Typical square foot area	1,190	1,560	1,820
Tucson:			
1-family dwelling	$58,000	$71,400	$85,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Sierra Vista-Douglas-Nogales:			
1-family dwelling	54,500	68,300	81,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Anchorage, Alaska

Typical square foot area	1,020	1,450	1,800
Anchorage:			
1-family dwelling	$102,800	$139,700	$197,600
2-family dwelling	161,500	210,300	273,800
3-family dwelling	218,200	301,100	378,100
4-family dwelling	275,600	379,200	464,600
Fairbanks:			
1-family dwelling	92,600	130,700	178,900
2-family dwelling	144,900	188,100	248,700
3-family dwelling	201,200	275,800	349,700
4-family dwelling	263,100	350,800	435,700
Juneau:			
1-family dwelling	91,900	129,000	182,600
2-family dwelling	153,900	195,600	255,100
3-family dwelling	209,200	285,800	359,100
4-family dwelling	259,800	360,400	477,700

Field Office: Boise, Idaho

Typical square foot area	910	1,220	2,340
Boise:			
1-family dwelling	$52,200	$62,700	$95,900
2-family dwelling	63,800	68,200	
3-family dwelling			
4-family dwelling		158,800	
Idaho Falls:			
1-family dwelling	49,800	58,200	91,500
2-family dwelling	60,700	64,500	
3-family dwelling			
4-family dwelling		149,500	
McCall:			
1-family dwelling	51,900		
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pocatello:			
1-family dwelling	51,300	60,100	94,700
2-family dwelling	62,600	66,500	
3-family dwelling			
4-family dwelling		155,000	
Twin Falls:			
1-family dwelling	52,600	62,100	97,400
2-family dwelling	65,200	69,200	

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
3-family dwelling			
4-family dwelling		158,500	
Lewistown:			
1-family dwelling	51,300		
2-family dwelling			
3-family dwelling			
4-family dwelling			
Coeur D'Alene:			
1-family dwelling	53,300	62,200	97,600
2-family dwelling	64,100	68,600	
3-family dwelling			
4-family dwelling		158,400	

Field Office: Seattle, Wash.

Typical square foot area	1,090	1,130	1,340
Seattle:			
1-family dwelling	$68,900	$78,500	$86,000
2-family dwelling	88,300	107,800	138,500
3-family dwelling		161,500	
4-family dwelling		215,800	
Bellingham:			
1-family dwelling	67,400	77,000	84,400
2-family dwelling	86,700	106,100	136,600
3-family dwelling		159,100	
4-family dwelling		213,600	
Olympia-Port-Angeles:			
1-family dwelling	66,400	76,100	83,700
2-family dwelling	86,000	105,900	137,100
3-family dwelling		160,300	
4-family dwelling		215,300	
Aberdeen:			
1-family dwelling	64,500	74,100	81,600
2-family dwelling	83,900	103,500	133,600
3-family dwelling		157,500	
4-family dwelling		211,800	
Longview			
1-family dwelling	64,200	74,800	81,700
2-family dwelling	84,000	103,400	133,300
3-family dwelling		155,800	
4-family dwelling		210,300	
Yakima:			
1-family dwelling	64,200	73,600	79,500
2-family dwelling	83,100	101,800	131,000
3-family dwelling		153,600	
4-family dwelling		206,400	

Field Office: Spokane, Wash.

Typical square foot area	1,000	1,000	1,100
Spokane-Cheney:			
1-family dwelling	$47,700	$64,600	$87,100
2-family dwelling	64,800	80,900	108,000
3-family dwelling			
4-family dwelling	104,600	120,600	142,500
Pullman:			
1-family dwelling	47,700	67,000	93,100
2-family dwelling	65,600	84,600	114,300
3-family dwelling			
4-family dwelling	107,200	125,500	151,000
Kennewick:			
1-family dwelling	48,900	74,600	99,600
2-family dwelling	73,400	91,900	121,500
3-family dwelling			
4-family dwelling	121,800	137,900	160,300

Field Office: Portland, Oreg.

Typical square foot area	1,160	1,700	2,180
Portland:			
1-family dwelling	$50,500	$59,400	$71,200
2-family dwelling	78,900	86,800	99,400
3-family dwelling	119,200	130,200	148,900
4-family dwelling	142,600	156,500	179,600
Eugene:			
1-family dwelling	46,600	55,200	66,600
2-family dwelling	72,700	81,300	93,300
3-family dwelling	113,100	122,400	139,900
4-family dwelling	134,000	147,100	168,800
Medford:			
1-family dwelling	46,600	54,300	64,800
2-family dwelling	72,300	81,100	92,300
3-family dwelling	112,500	122,100	138,900
4-family dwelling	135,100	148,500	170,600
Bend-Coos Bay:			
1-family dwelling	46,000	53,600	63,800
2-family dwelling	70,600	79,300	90,200
3-family dwelling	109,800	119,200	135,600

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
4-family dwelling	131,900	145,100	166,800

[FR Doc. 82-22636 Filed 8-23-82; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 5430 (WASH)]

Washington; Partial Termination of Disposal Classification

1. By order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on June 11, 1970 (35 FR 9036), pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR 2460, approximately 5,098.84 acres of public lands under the jurisdiction of the Bureau of Land Management were classified for disposal under one of the following statutes: Section 8 of the Taylor Grazing Act (43 U.S.C. 315g); Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27); Public Sale under R.S. 2455 (43 U.S.C. 1171); or the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741), as amended. The lands are located in Benton County, Washington.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification is terminated upon publication of this notice in the **Federal Register**, except for the following described land which will remain classified for lease or sale under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741), as amended, and remains segregated from operation of the public land laws generally including the mining laws:

Willamette Meridian

T. 9 N., R. 28 E.,
Sec. 6, Lots 53, 55, 56, 57, 58, 59, 64, 65, 66, 89, 206, and 207;
Sec. 8, Lots 142, 143, 175, 176, 212, 239, 240, and 244.

The area described contains 50.00 acres in Benton County.

3. The following described lands have been or are in the process of being conveyed from United States ownership and will not be open to operation of the public land laws generally, including the mining laws:

Williamette Meridian

T. 5 N., R. 25 E.,
Sec. 12, Lot 1;

Sec. 14, Lots 2 and 5;
Sec. 22, Lot 8.
T. 9 N., R. 27 E.,
Sec. 8, Lot 3;
Sec. 12, NE¼, N½SE¼, and SW¼SE¼;
Sec. 20, Lot 3;
Sec. 22, SW¼, W½SE¼, and SE¼SE¼.
T. 10 N., R. 27 E.,
Sec. 12, Lots 5, 6, 7, 8, S½SW¼, and SW¼SE¼;
Sec. 14, NE¼ NE¼.
T. 8 N., R. 28 E.,
Sec. 2, Lots 3, 4, S½NW¼, and SE¼.
T. 9 N., R. 28 E.,
Sec. 22, N½N½SE¼, N½SW¼NE¼SE¼, and SE¼NE¼SE¼;
Sec. 34, S½NE¼, W½, and SE¼.
T. 10 N., R. 28 E.,
Sec. 18, Lots 1, 2, 3, 4, 6, NW¼NE¼, S½NE¼, E½W½, and SE¼;
Sec. 20, N½ and SE¼;
Sec. 28.
T. 8 N., R. 19 E.,
Sec. 6, Lots 8, 9, 12, and 13;
Sec. 24, S½SW¼.

The area described aggregates 3,846.47 acres in Benton County.

4. The following described land is included in a Recreation and Public Purposes Act application and will remain segregated from operation of the public land laws generally, including the mining laws:

Willamette Meridian

T. 9 N., R. 27 E.,
Sec. 12, SE¼SE¼.

The area described contains 40.00 acres in Benton County.

5. The surface estate of the following described land has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869, 869–4); therefore, unless and until appropriate rules and regulations are issued, the land will not be open to location under the United States mining laws:

Willamette Meridian

T. 9 N., R. 28 E.,
Sec. 26, E½NW¼.

The area described contains 80.00 acres in Benton County.

6. At 9:30 a.m., on September 30, 1982, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands identified in paragraph 1, except as provided in paragraphs 2 to 5, inclusive, will be open to operation of the public land laws. All valid applications received at or prior to 9:30 a.m., on September 30, 1982, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

7. At 9:30 a.m., on September 30, 1982, the lands identified in paragraph 1, except as provided in paragraphs 2 to 5, inclusive, will be open to location under the United States mining laws. To the extent that leasable minerals remain in United States ownership, the lands have been and continue to be open to applications and offers under the 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 13, 1982.

Paul M. Vetterick,

Associate State Director.

[FR Doc. 82–23030 Filed 8–23–82; 8:45am]

BILLING CODE 4310–84–M

[PHX 075456, etc.]

Arizona; Order Providing for Opening of Public Lands

August 13, 1982.

1. In exchanges of lands made under the provision of Section 8 of the Act of June 28, 1934 (48 Stat. 1272, as amended, 43 U.S.C. 315g), the following lands have been reconveyed to the United States under the serial numbers listed below:

Gila and Salt River Meridian, Arizona

PHX 075456

T. 16½ N., R. 16 W.,
Sec. 36, S½, NE¼, S½NW¼, NE¼NW¼.
T. 16½ N., R. 17 W.,
Secs. 32 and 36.
T. 16½ N., R. 19 W.,
Secs. 32 and 36.
T. 16½ N., R. 18 W.,
Sec. 32;
Sec. 36, N½, SW¼, N½SE¼, SW¼SE¼.
T. 16½ N., R. 20 W.,
Secs. 32 and 36.

PHX 075461

T. 18 N., R. 18 W.,
Secs. 2, 16, 32 and 36.
T. 18 N., R. 19 W.,
Secs. 2, 16, 32 and 36.
T. 18 N., R. 20 W.,
Sec. 16, N½, N½SW¼, SW¼SW¼;
Sec. 32, N½, SW¼.

PHX 075485

T. 24 N., R. 17 W.,
Sec. 2, S½;
Secs. 16 and 32.

PHX 076465

T. 16 N., R. 15 W.,
Sec. 34.
T. 16½ N., R. 16 W.,
Sec. 32, N½, N½SE¼.
T. 27 N., R. 19 W.,
Secs. 16, 32 and 36.
T. 27 N., R. 18 W.,
Sec. 36.
T. 27 N., R. 20 W.,
Secs. 16 and 36.
T. 28 N., R. 16 W.,
Secs. 2 and 16.

PHX 078388

T. 20 N., R. 13 W.,
Sec. 36.
T. 25 N., R. 14 W.,
Secs. 16 and 36.
T. 28 N., R. 17 W.,
Sec. 2, N½, N½S½;
Sec. 32, N½, N½S½;
Sec. 36, N½, N½S½.
T. 28 N., R. 16 W.,
Sec. 32.

PHX 081346

T. 10 N., R. 10 W.,
Sec. 2, SE¼NE¼.

The areas described aggregate approximately 23,720 acres in Mohave and Yavapai Counties.

2. The United States did not acquire the mineral rights on any of the lands described in paragraph 1.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws, generally. All valid applications received at or prior to 10:00 a.m. September 29, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquires concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix Arizona 85073 (602–261–3706).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–23166 Filed 8–23–82; 8:45 am]

BILLING CODE 4310–84–M

[ES 31549 Survey Group 154]

Florida; Notice of Filing of Plat of Survey

1. On February 22, 1982, the plat representing the survey of omitted islands in T. 45 S., R. 22 E., Tallahassee Meridian, Flroida was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m. on October 8, 1982.

Tallahassee Meridian, Florida

T. 45 S., R. 22 E.
Tract Nos. 37, 38, 39 and 40.

2. The island Tract No. 37 (Cork Island) rises approximately 6 feet above the ordinary high water mark of the Pine Island Sound. The island is composed of shell and humus. Timber consists of gumbo limbo buttonwood, and mango, with undergrowth of prickly pear, and spider lily.

Tract No. 38 (Mason Island) rises approximately 8 feet above the ordinary

high water mark of the Pine Island Sound. The island is composed of shell and humus. Timber consists of gumbo limbo, lime, and mango, with undergrowth of prickly pear, false sisal, and spider lily.

The island Tract No. 39 rises approximately 8 feet above the ordinary high water mark of the Pine Island Sound. Timber consists of gumbo limbo, and prickly pear.

Tract 40 rises approximately 10 feet above the ordinary high water mark of the Pine Island Sound. Timber consists of gumbo limbo, strangler fig, and lime, with undergrowth of spanish bayonet, false sisal, and prickly pear.

A tidal area composed of muck with red and black mangrove, surrounds the island tracts 37–40.

These islands are four of many such shell mounds found throughout the area which are believed to have originated from the activities of the Caloosa Indians who vanished around 1800. The formation of these islands together with their depiction on a map entitled "Map of Charlotte Harbor Approaches," surveyed by F. W. Dorr and Charles Ferguson in 1859, and the trees thereon, attest to the fact that the islands were in existence, above the ordinary high water marks, on March 3, 1845, when Florida was admitted to the Union, and at all subsequent dates.

3. Tracts 37–40 were found to be over 50% upland in character within the purview of the Swamp Land Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

4. Except for valid existing rights these islands will not be subject to application, petition, location, selection, or any type of appropriation under any public law until a further order is issued.

5. All inquiries relating to these islands should be sent to the Chief, Division of Lands and Minerals Operations, Bureau of Land Management, 30 South Pickett Street, Alexandria, Virginia 22304, on or before October 8, 1982.

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82-23186 Filed 8-23-82; 8:45 am]

BILLING CODE 4310-84-M

Establishment of Use Fees at Burro Creek Campground Recreation Site, Arizona

Notice is hereby given, in accordance with authority contained in CFR Title 36, Chapt. 1, Part 66, Subpart 66.9, of the establishment of use fees for overnight camping at Burro Creek Campground at a $2.00 per vehicle per night basis, effective October 1, 1982. The $2.00 per night fee is effective from the time it is paid until 4:00 P.M. the following afternoon.

Burro Creek Campground is located 14 miles south of Wikieup, Arizona, ½ mile west of Highway 93.

For further information contact: Hank Molz, Phoenix District Outdoor Recreation Planner, Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, AZ 85017, telephone (602) 241-2501, or Mike Kliemann, Kingman Resource Area Outdoor Recreation Planner, 2475 Beverly Avenue, Kingman, AZ 86401, telephone (602) 757-4011.

Dated: August 17, 1982.

William K. Barker,

District Manager.

[FR Doc. 82-23167 Filed 8-23-82; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 23897-R&PP]

Public Land in Moffat County, Colorado; Conveyance

August 16, 1982.

Notice is hereby given that, pursuant to the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741), as amended and supplemented (43 U.S.C. 869, 869-1 to 869-4), a patent issued to the County of Moffat, State of Colorado, on August 16, 1982, for public land in Moffat County, Colorado, described as follows:

Sixth Principal Meridian, Colorado

T. 12 N., R. 91 W.,

Sec. 20, lot 15.

The lot contains 35.17 acres.

The purpose of this Notice is to inform and give constructive notice to the public and interested state and local governmental officials of the issuance of conveyance documents to the County of Moffat, State of Colorado.

Harold R. Martin,

Chief, Division of Operations.

[FR Doc. 82-23165 Filed 8-23-82; 8:45 am]

BILLING CODE 4310-84-M

[W-4471-B]

Wyoming: Proposed Continuation of Public Water Reserves; Correction

August 12, 1982.

In FR DOC 82-21041 published on page 33801 on Wednesday, August 4, 1982, make the following correction.

In the second column, the fourteenth line from the bottom of the page, the land description reads:

Sec. 30, E½SW¼SW¼, and W½SE¼SW¼;

It should be corrected to read:

Sec. 20, E½SW¼SW¼ and W½SE¼SW¼;

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-23170 Filed 8-23-82; 8:45 am]

BILLING CODE 4310-84-M

[W-4471-B]

Wyoming; Proposed Continuation of Public Water Reserves

Correction

In FR Doc. 82-21041 beginning on page 33798 in the issue for Wednesday, August 4, 1982, make the following corrections:

1. On page 33799, middle column, under paragraph 12, the line below T. 29 N., R. 99 W. now reading "Sec. 30, SE¼NW¼, and NE¼SW¼" should have read "Sec. 30, SE¼NW¼, and NE¼ SW¼".

2. In the same column, under paragraph 15, in the line below T. 31 N., R. 95 W., "SE¼SW¼," should have read "SE¼SW¼,".

3. In the third column of page 33799, under paragraph 16, T. 27 N., R. 91 W., in the entry for Sec. 22, "NW¼SW½" should have read "NW¼SW¼".

4. On page 33800, in the first column, under paragraph 28, "T. 28" should have read "Sec. 28".

5. On page 33801, middle column, under T. 14 N., R. 89 W., the line now reading "Sec. 34, SW¼SE¼" should have read "Sec. 33, NE¼SE¼", and the following two lines should be removed.

6. In the same column, under T. 28 N., R. 89 W., insert the line "Sec. 34, SW¼SE¼." Also add a line to read "T. 14 N., R. 90 W.," above the line reading "Sec. 5, lot 10."

7. In the third column of page 33801, in the line under T. 12 N., R. 97 W., capitalize the N for "N½".

8. On page 33802, first column, under T. 14 N., R. 89 W., in the entry for Sec. 32, "NW½" should have read "NW¼".

9. Further down in the same column, under T. 16 N., R. 90 W., in the entry for Sec. 10, "S½NW¼, NE¼," should have read "S½NW¼NE¼,". In the entry for Sec. 20, "E¼SW¼, SW¼," should have read "E½SW¼SW¼," and "AW¼" should have read "SW¼". In the entry for Sec. 29, "E½NW¼, NW¼," should have read "E½NW¼NW¼,".

10. In the same column, under T. 20 N., R. 90 W., between the lines for Sec. 28 and Sec. 25, insert the entry "T. 14 N., R. 91 W.,"and remove the line reading "Sec. 11, SE¼SE¼;".

BILLING CODE: 1505-01-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4773, Block 536, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 17, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–23029 Filed 8–23–82; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 13, 1982. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by September 8, 1982.

Carol D. Shull,

Chief of Registration, National Register.

CONNECTICUT

Litchfield County

Sharon, *Sharon Valley Historic District,* Jct. of Sharon Valley and Sharon Station Rds.

New Haven County

Middlebury vicinity, *Tranquillity Farm,* W of Middlebury on CT 64

GEORGIA

Clarke County

Athens, *Parr, Calvin W., House,* 277 Bloomfield St.

Fulton County

Atlanta, *Fairlie-Poplar Historic District,* Roughly bounded by Peachtree, Luckie, Cone, and Marietta Sts.

Rabun County

Mountain City vicinity, *York House,* N of Mountain City off US 23/441

Stephens County

Toccoa vicinity, *Riverside,* N of Toccoa on GA 3

INDIANA

Cass County

Logansport, *Kendrick-Baldwin House,* 706 E. Market St.

Dearborn County

Lawrenceburg, *Hamline Chapel, United Methodist Church,* High and Vine Sts.

Ripley County

Napoleon, *Central House,* IN 229

IOWA

Cedar County

West Branch, *Gruwell and Crew General Store,* 109 W. Main St.

Cerro Gordo County

Clear Lake, *Rogers-Knutson House,* 315 N. 3rd St.

Johnson County

Iowa City, *Carson, Thomas C., House,* 906 E. College St.

Keokuk County

Thornburg vicinity, *Bruce Goldfish Fisheries,* E of Thornburg, off IA 22

Linn County

Cedar Rapids, *Douglas, George B., House,* 800 2nd Ave. SE.

KENTUCKY

Henderson County

Henderson, *McCallister, John E., House,* 839 N. Green St.

LOUISIANA

Franklin Parish

Winnsboro, *Jackson House,* 703 Jackson St.

MISSOURI

St. Louis (Independent City), Phillips, Homer G., Hospital, 26101 Whittier St.

Buchanan County

St. Joseph, *Miller-Porter-Lacy House,* 2912 Frederick Blvd.

St. Joseph, *St. Joseph Public Library,* 10th and Felix Sts.

Cass County

Harrisonville, *St. Peter's Episcopal Church,* 400 W. Wall St.

Cooper County

Jamestown vicinity, *Dick-Kobel Homestead,* W of Jamestown

Pleasant Green vicinity, *Prairie View,* E of Pleasant Green off MO 135

Greene County

Springfield, *Abou Ben Adhem Shrine Mosque,* 601 E. St. Louis St.

Howard County

Fayette, *St. Mary's Episcopal Church,* 104 W. Davis St.

Glasgow, *Glasgow Presbyterian Church,* Commerce and 4th Sts.

Jackson County

Kansas City, *Beth Shalom Synagogue,* 3400 The Paseo,

Kansas City, *Meyer, August, House,* 4415 Warwick Blvd.

Missouri County

Clayton, *Carrswold Historic District,* 1–26 Carrswold Dr.

Montgomery County

Starkenburg, *Shrine of Our Lady of Sorrows,* SR P

Osage County

Rich Fountain, *Sacred Heart Catholic Church and Parsonage,* SR U

Pemiscot County

Caruthersville, *Caruthersville Water Tower,* W. 3rd St.

St. Charles County

New Melle, *St. Paul's Church,* SR D

St. Louis County

Clayton, *Brentmoor Park, Brentmoor and Forest Ridge,* Big Bend and Wydown Blvds.

Clayton, *Haarstick-Whittemore Houses,* 6420 and 6440 Forsyth Blvd.

Clayton, *Shanley Building,* 7800 Maryland Ave.

Ladue, *Busch's Grove,* 9160 Clayton Rd.

University City, *B'nai Amoona Synogogue,* 524 Trinity Ave.

Webster Groves, *Rock House, Edgewood Children's Center,* 330 N. Gore

NEBRASKA

Washington County

Fontanelle, *Fontanelle Township Hall*, Off NE 91

NEW MEXICO

Bernalillo County

Albuquerque, *Old Armijo School*, 1021 Isleta Blvd., SE

NEW YORK

Chenango County

Greene, *Greene Historic District*, Chenango, Genesee, and Jackson Sts.

Columbia County

Claverack, *Rensselaer, Jacob Rutsen, House and Mill Complex*, NY 23

New York County

New York, *Foley Square Governmental Complex*, Foley Square

Oswego County

Schroeppel, *Schroeppel House*, Morgan Rd.

TEXAS

Bee County

Beeville, *Praeger Building*, 110 W. Corpus Christi St.

Medina County

Quihi, *Saathoff House*, Quihi-Stormhill Rd.

Orange County

Orange, *Lutcher Memorial Church Building*, 902 W. Green Ave.

Somervell County

Glen Rose, *Barnard's Mill*, 307 S.W. Barnard St.

UTAH

Beaver County

Beaver, *Jackson, Samuel, House (Beaver MRA)*, 215 S. 2nd East
Beaver, *Stoney, Robert, House (Beaver MRA)*, 295 N. 400 West
Beaver *Ward, Thomas, House (Beaver MRA)*, 195 E. 300 South

VERMONT

Windsor County

Cavendish, *Iron Bridge at Howard Hill Road*, Howard Hill Rd. and VT 131

VIRGINIA

Franklin (Independent City), Elms, The, Clay St.
Lexington (Independent City), Mulberry Hill, Liberty Hall Rd.
Lynchburg (Independent City), First Baptist Church, 1100 Court St.
St. Paul's Church, 605 Clay St.
Richmond (Independent City), St. Alban's Hall, 300–302 E. Main St.
Roanoke (Independent City), Harrison School, 523 Harrison Ave., NW
Staunton (Independent City), Michie, Thomas J., House, 324 E. Beverley St.
Waynesboro (Independent City), Fairfax Hall (Brandon Hotel/Fairfax Hall School), Winchester Ave.

Albemarle County

Esmont vicinity, *Guthrie Hall*, N of Esmont on VA 719
Shadwell vicinity, *Edgehill*, N of Shadwell on VA 22

Campbell County

Forest vicinity, *Federal Hill*, S of Forest on VA 623

Fauquier County

Midland vicinity, *Germantown Archaeological Sites*, VA Route 602

Giles County

Pearisburg, *Giles County Courthouse*, VA 100 and US 460

Orange County

Gordonsville vicinity, *Rocklands*, N of Gordonsville on VA 231

Spotsylvania County

Mineral vicinity, *Prospect Hill*, N of Mineral on VA 612

WISCONSIN

Clark County

Greenwood, *Schofield, Robert, House*, 303 W. Schofield Ave.

Grant County

Lancaster vicinity, *Bass Site (47Gt25)*,

WYOMING

Park County

Yellowstone National Park, *Fort Yellowstone Powerhouse (Yellowstone National Park MRA)*, Mammoth Hote Springs
Yellowstone National Park, *Fort Yellowstone-Mammoth Hot Springs Historic District (Yellowstone National Park MRA)*,

Sheridan County

Sheridan, *Sheridan County Courthouse*, Burkett and Main St.

The following property is being removed from the National Register of Historic Places because of procedural error.

ARKANSAS

Sharp County

Evening Shade, *Wilkerson House (Evening Shade MRA)*, Sidney Rd.

[FR Doc. 82-22968 Filed 8-23-82; 8:45 am]

BILLING CODE 4310-70-M

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. (PST) on Wednesday, September 22, 1982, at the Golden Gate National Recreation Area, Headquarters, Building 201, Fort Mason.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margot Patterson Doss
Mr. Jerry Friedman
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. John Mitchell
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The major agenda items for this meeting will be the maritime operations evaluation, concentrating on the physical facilities report; review of the Cultural Resource Management Plan; and Muir Woods concession improvements.

The meetings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact John H. Davis, General Superintendent of the Golden Gate National Recreation Area, Fort Mason, San Francisco, California 94123; telephone (415) 556-2920.

Minutes of this meeting will be available for public information by October 22, 1982 in the Office of the Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, California 94123.

Dated: August 13, 1982.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 82-23164 Filed 8-23-82; 8:45 am]

BILLING CODE 4310-20-M

Office of the Secretary

Prohibition of Federal Flood Insurance on Undeveloped Coastal Barriers; Aerial Photography; Notice of Availability

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of availability of aerial photography of proposed undeveloped coastal barriers.

SUMMARY: This notice announces the availability of color infrared aerial photography covering undeveloped coastal barriers identified pursuant to the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35).

DATES: Aerial photography will be available for purchase and comment through November 15, 1982.

ADDRESSES: Comments about the photography should be sent to Mr. Ric Davidge, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240. The photography is available through the U.S. Geological Survey at the following address: U.S. Geological Survey, Eastern Mapping Center, National Cartographic Information Center, 536 National Center, Reston, Virginia 22092; FTS: 928–6336; Comm: (703) 860–6336.

FOR FURTHER INFORMATION CONTACT: Mike Chambers, U.S. Geological Survey, 512 National Center, Reston, Virginia 22092; 703–860–6212.

SUPPLEMENTARY INFORMATION: On August 13, 1981, Congress enacted the Omnibus Budget Reconciliation Act of 1981. Section 431(d) of that Act amends the National Flood Insurance Act of 1968 to prohibit the sale of flood insurance for new construction or substantial improvements to structures on undeveloped coastal barriers as designated by the Secretary of the Interior. The Secretary was further directed to conduct a study of undeveloped coastal barriers within one year of enactment.

On January 15, 1982, draft maps identifying undeveloped coastal barriers along the Atlantic and Gulf Coast were made available for 60 days for public comment and review.

On March 15, 1982, on-the-ground conditions for the draft undeveloped coastal barrier designations were established and subsequently recorded on aerial photography. This imagery covers each of the draft areas and many new areas which were identified during the public comment period. Pursuant to the Department of the Interior Report to the Congress and the issuance of a proposed rulemaking on August 16, 1982, many of these areas have now been proposed for designation as undeveloped coastal barriers. For ease of photographic interpretation, especially in wetlands and heavily vegetated areas, color infrared photography at a scale of 1:24,000 was flown by the Environmental Protection Agency-Las Vegas. The photography is stored at the EROS Data Center, Sioux Falls, South Dakota.

The DOI's study of undeveloped coastal barriers has been chronicled by information provided to the public through **Federal Register** announcements. These releases should be reviewed for supplementary and background information. See, Notice of Intent to issue proposed rule, 46 FR 58346, December 1, 1981, Proposed rule; amendment, 46 FR 60022, January 15, 1982; Notice of Availability of Draft Environmental Impact Statement and Additional Draft Maps, 47 FR 22231, May 21, 1982; Update of Notice of Intent to issue proposed rule, 47 FR 35714; Proposed Designations, 47 FR 35696.

Procedure

The Eastern National Cartographic Information Center (E–NCIC) recommends that requests for photography be made in writing. If possible, mark the area of interest on a copy of the appropriate Undeveloped Coastal barrier map (either draft or proposed) or on a topographic map obtainable from E–NCIC. An index listing the topographic maps (and other maps) of your State held by the U.S. Geological Survey is available from E–NCIC. A State or local highway map may also be used to delinate the area of interest.

Indicate the specific feature, coastal barrier, landmark, house or area of interest to aid in choosing the correct photograph.

Provide your *name*, company (if applicable), *address*, telephone or telex *number*, and whether the copy should be a (9"x9") film positive or print or an enlargement (excellent results are obtainable for up to four times the original size).

Prepayment on all orders is required. A rule to follow in estimating the coverage needed is point or small coverage can usually be obtained with one photograph, larger areas require more frames. In the case of larger areas, the staff of E–NCIC will instruct the requestor on coverage and costs prior to processing the order.

The cost of reproduction for each frame of color infrared photography is:

9"×9", image size, film positive, $25.00
9"×9", image size, paper, $15.00
18"×18", image size, paper, $35.00
27"×27", image size, paper, $50.00
36"×36", image size, paper, $70.00

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

August 19, 1982.

[FR Doc. 82–23129 Filed 8–23–82; 8:45 am]

BILLING CODE 4310–10–M

INTERSTATE COMMERCE COMMISSION

Forms Under Review by the Office of Management and Budget

The following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) are being submitted to the Office of Management and Budget for review and approval. Copies of the regulations and supporting documents may be obtained from the Agency Clearance Officer, Carroll Stearns (202) 275–7077. Comments regarding these information collections should be addressed to Carroll Stearns, Interstate Commerce Commission, Room 6217, 12th and Constitution, N.W., Washington, D.C. 20423 AND to Donald Arbuckle, Office of Management and Budget, Room 3228 NEOB, Washington, D.C. 20503, (202) 395–7340.

Type of Clearance: Extension-Adjustment to Burden Only
Bureau/Office: Bureau of Accounts
Title of Recordkeeping Requirement: Uniform System of Accounts-Class I and II Motor Carriers of Property
OMB Form No.: 3120–0076
Frequency: Continuous
Respondents: Class I and II Motor Carriers of Property
No. of Respondents: 2921
Total Burden Hours: 411,861
Type of Clearance: Extension-Adjustment to Burden Only
Bureau/Office: Bureau of Accounts
Title of Recordkeeping Requirement: Uniform System of Accounts-Class I Motor Carriers of Passengers
OMB Form No.: 3120–0076
Frequency: Continuous
Respondents: Class I Motor Carriers of Passengers
No. of Respondents: 59
Total Burden Hours: 8,026
Type of Clearance: Extension-Adjustment to Burden Only
Bureau/Office: Bureau of Accounts
Title of Recordkeeping Requirement: Uniform System of Accounts-Class I and II Railroad
OMB Form No.: 3120–0076
Frequency: Continuous
Respondents: Class I Railroads
No. of Respondents: 40
Total Burden Hours: 52,800
Type of Clearance: Extension-Adjustment to Burden Only
Bureau/Office: Bureau of Accounts
Title of Recordkeeping Requirement: Records Retention Regulations

OMB Form No.: 3120-0076
Frequency: Continuous
No. of Respondents: 3020
Respondents: Class I and II Railroads, Class I and II Motor Carriers of Property and Class I Motor Carriers of Passengers
Total Burden Hours: 30,200

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-23035 Filed 8-23-82; 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 transporation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absense 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 oppostion.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1 Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please diret status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-140

Decided: August 12, 1982.

MC 142000 (Sub-4), filed August 5, 1982. Applicant: LOWELL SAMPSON, INC., 400 E. Lundy Lane, Leland, IL 60531. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602, (312) 236-8225. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 155130 (Sub-3), filed August 6, 1982. Applicant: B&D TRANSPORT, INC., P.O. Box 5891, Little Rock, AR 72215. Representative: William P. Dalton, (same address as applicant), (501) 225-3666. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 163240, filed August 2, 1982. Applicant: A. N. DERINGER, INC., 64-66 North Main Street, St. Albans, VT 05478. Representative: Kenneth J. Holzscheiter (same address as applicant), (802) 524-5975. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 163251, filed August 2, 1982. Applicant: T. TIGHE SONS, INC., 45 Holton St., Winchester, MA 01890. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732-1136. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 163281, filed July 29, 1982. Applicant: THOMAS RHODES JR. TRUCKING, 4855 Pendragon Blvd., Indianapolis, IN 46268. Representative: Thomas Rhodes Jr. (same address as applicant), (317) 291-2718. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

Volume No. OP1-142

Decided: August 13, 1982.

MC 163321, filed August 9, 1982. Applicant: ROBERT GIDNEY, P.O. Box 26, Allen, TX 75002. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457-0804. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP2-189

Decided: August 13, 1982.

MC 163273, filed August 5, 1982. Applicant: DELBERT J. MASTERHAN, d.b.a. JANDEL, 6915 Wilton Court NE., Cedar Rapids, IA 52402. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515-244-2329. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP2-191

Decided: August 16, 1982. (Member Parker not participating.)

MC 143553(Sub-16), filed August 9. 1982. Applicant: CONTINENTAL TRANSPORT SYSTEMS, INC., 35 Main

St., Versailles, CT 06383. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239-4610. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous and secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 163173, filed July 28, 1982. Applicant: TRANSPORT DISTRIBUTION SERVICES, INC., 255 Channel St., San Francisco, CA 94107. Representative: S. S. Eisen, 370 Lexington Ave., New York, NY 10017, 212-532-5100. As a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 82-23040 Filed 8-23-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satified 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 rebuttle to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-139

Decided: August 12, 1982.

By the Commission, Review Board No. 1, Members Parker Chandler, and Fortier.

MC 730 (Sub-529), filed July 22, 1982. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., PO Box 8004, Walnut Creek, CA 94596. Representative: J. B. Harbuck (same address as applicant), Walnut Creek, CA 94596, (415) 944-7260. 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 E.I. duPont de Nemours and Company, Inc., of Wilmington, DE, and its divisions and subsidiaries, namely Fabrics & Finishes Div., Freon Products Div., Instrument Products Div., Organic Chemicals Div., Petroleum Chemicals Div., Caribe Biochemicals, Inc., Conoco, Inc., Remington Arms Co., Inc., Endo Laboratories, Inc., and New England Nuclear Corporation.

W-1351 (Sub-1), filed July 28, 1982. Applicant: SUNSHINE CHARTERS, INC., P.O. Box 134, Wallula, WA 99363. Representative: Lester L. Kelly (same address as applicant), (509) 547-4076. To operate as a *common carrier*, by water, in the transportation of *passengers and their baggage*, in charter operations, between those parts and points in (1) WA and OR, on the Columbia River beginning at the mouth of the Columbia River (near Astoria, OR), and extending along the Columbia River to Priest Rapids Dam (near Mattawa, WA), (2) WA and ID, on the Snake River, beginning at the mouth of the Snake River at its junction with the Columbia River), and extending along the Snake River to Lewiston, ID, and (3) WA and OR on the Columbia and Willamette Rivers beginning at the mouth of the Columbia River (at its junction with the Yakima River), and extending along the Columbia River to its junction with the Willamette River (near Portland, OR) then extending along the Willamette River to Oregon City, OR. Condition: This is a major regulatory action and requires preparation of a statement of energy impact under the provisions of 49 CFR 1106.5(a)(8).

MC 77340 (Sub-7), filed August 2, 1982. Applicant: E. J. DICKIE TRUCKING COMPANY, P.O. Box 888, Bagdad, AZ 86321. Representative: Lex J. Smith, 363 North First Ave., Phoenix, AZ 85003, (602) 262-8811. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in Maricopa, Gila, Creenlee, Cochise, Pima, Graham, Coconino, Mohave and Yavapai Counties, AZ, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Cyprus Bagdad Copper Company, of Englewood, CA. 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 1, Room 6358.

MC 94201 (Sub-204), filed August 6, 1982. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Gerald D. Colvin, Jr., 601-09 Frank Nelson Bldg., Birmingham, AL 35203-3668, (205) 251-2881. 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 Kmart Corporation, of Troy, MI.

MC 109490 (Sub-29), filed August 6, 1982. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Union Center, WI 53967. Representative: Ronald E. Laitsch, 108 S. Second St., Watertown, WI 53094, (414) 261–9725. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Hardware Wholesalers, Inc., of Fort Wayne, IN, Brunner Drilling & Mfg. Co., Inc., of Elroy, WI, Ball Metal & Chemical Co., of Greenville, TN, and Josten's Mfg., Inc., of Bloomington, MN.

MC 113751 (Sub-59), filed August 5, 1982. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *fertilizer and fertilizer ingredients,* between points in WI, on the one hand, and, on the other, points in IA, IL, IN and MN.

MC 121631 (Sub-4), filed August 5, 1982. Applicant: MARSHFIELD DRAYAGE COMPANY, P.O. Box 50, George St., Marshfield, MO 65706. Representative: Richard S. Brownlee III, The Monroe House, 235 East High St., Suite 210, P.O. Box 1069, Jefferson City, MO 65102, (314) 636–8135. Transporting *automotive parts and accessories,* between points in Webster and Wright Counties, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 135231 (Sub-74), filed August 6, 1982. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 59 North, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121, (612) 452–8770. 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 144740 (Sub-38), filed August 4, 1982. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Fred Daugherty (same address as applicant), (919) 652–2611. 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 145491 (Sub-9), filed August 5, 1982. Applicant: PIGGYBACK TRANSPORTATION SERVICE, INC., P.O. Box 662, Greenwood, IN 46142. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI).

MC 147431 (Sub-1), filed August 4, 1982. Applicant: M. L. D. & SONS INDUSTRIES, Route 20 East, Bellevue, OH 44811 Representative: Marion L. Dougherty, P.O. Box 217, Bellevue, OH 44811, (419) 483–7993. Transporting (1) *metal products;* (2) *machinery;* and (3) *those commodities which because of their size or weight require the use of special handling or equipment,* between points in OH, MI and PA, on the one hand, and, on the other, points in the U.S.

MC 148560 (Sub-11), filed August 5, 1982. Applicant: GOLD STAR, INC., 130 Davidson Ave., Somerset, NJ 08873. Representative: A. David Millner, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068, (201) 992–2200. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with United Forwarding, Inc., of Omaha, NE.

MC 150301 (Sub-23), filed August 3, 1982. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 East Fulton Road, Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Triangle Pacific Corporation, of Dallas, TX, and E. J. Gallo Winery, of Modesto, CA.

MC 150951 (Sub-14), filed August 6, 1982. Applicant: CRANSTON TRUCKING COMPANY, 1381 Cranston St., Cranston, RI 02920. Representative: Paul M. Overton (same address as applicant), (401) 943–4800. Transporting *textile mill products,* between point in the U.S., under continuing contract(s) with Howard Curtain Company, Inc., of New York, NY.

MC 15640 (Sub-7), filed July 30, 1982. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Highway, Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005, (202) 296–3555. Transporting *such commodities* as are dealt in or used by retail department stores and discount houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Fishman & Tobin, Inc., of Philadelphia, PA, and its subsidiaries, namely Ambler Industries, of Orangeburg and Conway, SC, and Mini-Kin Corp., of Hialeah, FL.

MC 153121 (Sub-3), filed August 6, 1982. Applicant: CALIFORNIA WESTERN EXPRESS, INC., 1315 D N.E. 134th, Vancouver, WA 98665. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228–3807. Transporting *food and related products,* between points in the U.S. (except HI).

MC 153290, filed August 4, 1982. Applicant: E. R. & C. E. POSEY, dba. POSEY TRUCKING, 9911 East Idlewood Drive, Twinsburg, OH 44087. Representative: Elden R. Posey (same address as applicant), (216) 425–7641. Transporting *pulp, paper and related products, metal products, and machinery,* between points in the U.S. (except AK and HI), under continuing contract(s) with Childers Products Company, Inc., of Cleveland, OH.

MC 156361 (Sub-3), filed August 4, 1982. Applicant: BIGBEE TRANSPORTATION COMPANY, PO Box 3610, American Lane, Greenwich, CT 06836–3610. Representative: Stuart M. Geschwind (same address as applicant), (203) 552–3242. 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 James River Corporation of Virginia, of Richmond, VA, and its subsidiary, namely James River-Dixie/Northern, Inc.

MC 157421 (Sub-1), filed August 4, 1982. Applicant: JESSE W. ROBERTS, d.b.a. POWER TRANSPORT, East 6607 Broadway, Spokane, WA 99206. Representative: Jack R. Davis, 1200 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *such commodities* as are dealt in or used by manufacturers, distributors and installers of fuel power plants, between points in the U.S. (except AK and HI), under continuing contract(s) with Energy Products of Idaho, Inc., of Coeur d'Alene, ID.

MC 162901, filed July 11, 1982, previously noticed in the **Federal Register** issue of July 28, 1982. Applicant: ROYAL LIVERY, INC., 272 Fillow St., West Norwalk, CT 06850. Representative: L. C. Major, Jr., P.O. Box 11278, Suite 304, Overlook Building, 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than 6 passengers in any one vehicle, not including the driver,

between points in Hartford, New Haven, Fairfield and Litchfield Counties, CT, on the one hand, and, on the other, points in NY, NJ, PA, MA, RI, DE and DC.

Note.—The purpose of this republication is to reflect the correct scope of authority as originally proposed.

MC 163230, filed August 2, 1982. Applicant: SERVICE TRANSPORT OF MN, INC., 19 West Main St., Madelia, MN 56062. Representative: T.J. McCabe (same address as applicant), (507) 642-3719. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MN, on the one hand, and, on the other, points in the U.S. (except HI).

MC 163270, filed August 4, 1982. Applicant: MARTINBIRD ENTERPRISES, d.b.a. TLX CARTAGE, 292 Amfield Court, Gahanna, OH 43230. Representative: Peter A. Greene, 1920 N Street, N.W., Washington, DC 20036, (202) 331-8800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OH.

MC 163300, filed August 6, 1982. Applicant: DANIEL K. WEATHERFORD, d.b.a. WEATHERFORD CO., 3138 West Durango, Phoenix, AZ 85009. Representative: Andrew V. Baylor, 337 East Elm St., Phoenix, AZ 85012, (602) 274-5146. Transporting *such commodities* as are dealt in or used by wholesale and retail grocery stores, meat markets, cold storage warehouses, hardware stores, department stores, and automotive outlets, between points in AZ, on the one hand, and, on the other, points in CA, CO, ID, NV, NM, OR, TX, UT, and WA.

MC 163301, filed August 6, 1982. Applicant: NEWSOM OIL COMPANY, 1702 Atlanta Ave., Orlando, FL 32806. Representative: John B. Newson (same address as applicant), (305) 422-3935. Transporting *lubricating fluids*, between points in Hillsboro, Orange, and Duval Counties, FL, on the one hand, and, on the other, points in Fulton County, GA, under continuing contract(s) with Neumann Oil Company, of Tampa, FL, and Beam Oil Company, of Atlanta, GA.

Volume No. OP1-141

Decided: August 13, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 119741 (Sub-317), filed August 9, 1982. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. 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 127701 (Sub-7), filed August 9, 1982. Applicant: R. D. KING & H. L. DAVIS, JR., d.b.a. HARRISON CONTRACTING COMPANY, P.O. Box 10, Alpena, AR 72611. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601, (501) 741-3501. Transporting (1) *log homes and building materials*, between points in AR, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *processed goat milk*, between points in Marion County, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI), (3) *granite monuments and supplies*, between points in the U.S. (except AK and HI), (4) *farm equipment and supplies*, between points in AR and MO, on the hand, and, on the other, points in the U.S. (except AK and HI), and (5) *lumber and lumber products*, between points in Boone County, AR, and Greene County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 135430 (Sub-8), filed August 9, 1982. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Rd., Springfield, OR 97447. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701, (201) 336-5955. Transporting *metal products*, (1) between points in CA, on the one hand, and, on the other, points in ID, MT, OR and WA; and (2) between points in ID, MT, OR, UT and WA.

MC 139101 (Sub-1), filed August 9, 1982. Applicant: REGAL TRUCKING SERVICE CORP., 5-61 Bay Ave., Elizabeth, NJ 07201. Representative: Jack L. Schiller, 123-60 83rd Ave., Kew Gardens, NY 11415 (212) 263-2078. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between New York, NY, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, LA, MA, MD, NC, NJ, NY, OH, PA, RI, SC, TN, TX, VA, WV, and DC.

MC 148791 (Sub-29), filed August 9, 1982. Applicant: TRANSPORT-WEST, INC., 2125 N. Redwood Rd., Salt Lake City, UT 84116. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110 (801) 531-1777. 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 Superior Transportation Systems, Inc., of Wilsonville, OR.

MC 150331 (Sub-2), filed August 6, 1982. Applicant: RPH, INC., P.O. Box 717, Champaign, IL 61820. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703 (608) 256-7444. Transporting *such commodities as are dealt in or used by manufacturers and distributors of beverages*, between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 154401 (Sub-1), filed August 9, 1982. Applicant: TRI-STAR TRANSPORTATION, INC., 2 Stony Hill Road, Wilbraham, MA 01095. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103 (413) 732-1136. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with R & M Distributors, Inc., of Canton, MA.

MC 161431, filed August 9, 1982. Applicant: JOHN MANGANO, d.b.a. C & C TRANSPORT INC., 1400 Airline Hwy, Baton Rouge, LA 70805. Representative: John Mangano (same address as applicant) (504) 359-6464. Transporting *gasoline and diesel fuel*, between New Orleans, LA, on the one hand, and, on the other, points in MS.

MC 162341, filed August 6, 1982. Applicant: HAZEL MARSHALL d.b.a. HAZEL'S HOTSHOT SERVICE, 13351 Kit, Dallas TX 75240. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237-2385 (214)-339-4108. Transporting *machinery parts and attachments*, between points in TX and OK.

MC 162420, filed August 6, 1982. Applicant: FELPORT TRANSPORT, INC., 8955 Palm River Rd., Tampa, FL 33619. Representative: Sandra Baney (same address as applicant) (813)-621-2491. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in FL.

MC 163180, filed July 28, 1982. Applicant: RALPH DEAN d.b.a. RALPH DEAN AND SONS TRUCKING, 15336 Bixler Ave., Paramuont, CA 90723. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017 (213)-627-8471. Transporting *food and related products*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in AZ and NV.

MC 163271, filed August 6, 1982. Applicant: COLUMBIA TRUCKING,

INC., 5415 35th Ave. S.W., Seattle, WA 98126. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055 (206)–228–3807. Transporting *food and related products*, between points in WA, OR, CA, ID, MT and NV.

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Decided: August 13, 1982.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 116233 (Sub-1), filed July 30, 1982. Applicant: C & T HAULAGE, INC., 7678 Brewer Rd., Newburgh, NY 12550. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528 (914) 835–4411. Transporting *such commodities* as are dealt in or used by a manufacturer of floor converings, between points in the U.S., under continuing contract(s) with Tarkett, Inc., of Parsippany, NJ.

MC 146343 (Sub-18), filed August 2, 1982. Applicant: SOUTHERN EXPRESS CORPORATION, 505 South Ocean Blvd., Pompano Beach, FL 33062. Representative: Warren V. Picillo, Jr., Two Sawyer Dr., Coventry, RI 02816, (800) 451–1705. Transporting *office products and supplies*, between points in Bristol County, MA, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Iasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, under continuing contract(s) with Elbe Products, Inc., of Fall River, MA.

MC 146463 (Sub-5), filed August 6, 1982. Applicant: SLACK TRANSPORT LIMITED, 172 Argyle St., Box 579, Caledonia, Ontario Canada NOA 1AO. Representative: William J. Hirsch, 64 Niagara St., Buffalo, NY 14202, (716) 853–0200. Transporting *clay, concrete, glass and stone products*, between points in the U.S., under continuing contract(s) with Riverside Refractories Canada Limited, of Nanticoke, Ontario, Canada.

MC 146853 (Sub-11), filed August 2, 1982. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting (1) *wood windows, sliding glass doors, wood folding doors, partitions, and lumber*, and (2) *such commodities* as are used in the manufacture, sale, and distribution of the commodities in (1) above, between Pella, IA, on the one hand, and, on the other, points in WA, OR, and CA.

MC 149172 (Sub-5), filed August 2, 1982. Applicant: HOFFMAN TRUCKING, INC., Route 1, Old Hwy 81 North, Chickasha, OK 73018. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *metal products*, between Houston and the Port of Houston, TX, on the one hand, and, on the other, points in TX, OK, KS, NE and CO.

MC 149573 (Sub-11), filed August 6, 1982. Applicant: NTL, INC., 4721 N. 56th St., P.O. Box 5803, Lincoln, NE 68505. Representative: J. Max Harding (same address as applicant), (402) 467–5365. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building materials, between Cleveland, OH, Lackawanna, NY, Baltimore, MD, points in Medina County, OH, Lincoln County, OK, San Joaquin County, CA, and York County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Donn Corporation, of Westlake, OH.

MC 151753 (Sub-5), filed August 2, 1982. Applicant: M.W. CYCLE HAULER, INC., 11909 Santa Fe Dr., Lenexa, KS 66215. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612 (913) 233–9629. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the commercial zone of Kansas City, MO–Kansas City, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152353 (Sub-7), filed July 30, 1982. Applicant: WILLIAM TIMBLIN TRANSIT, INC., Route 1, Eden, WI 53019. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison WI 53719 (608) 273–1003. Transporting *rubber, metal, steel, and related products*, between points in WI, on the one hand, and, on the other, points in AL, IA, IL, MI, OH, SC, and TX.

MC 158733 (Sub-3), filed August 5, 1982. Applicant: LEONARD FEED & GRAIN, INC., 5511 16th Ave. SW, Cedar Rapids, IA 52404. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *fertilizer*, between Kansas City, MO, points in Eddy County, NM, Whiteside County, IL, and Jasper County, MO, on the one hand, and, on the other, points in IA.

MC 159042 (Sub-1), filed August 5, 1982. Applicant: R.W. BRIGGS TRUCKING, Washington Lane, P.O. Box 278, Westborough, MA 01581. Representative: Robert G. Parks, 20 Walnut Street. Suite 101, Wellesly Hills, MA 02181 (617) 235–5571. Transporting *graphite, foundry supplies, building materials, slag, headlap granules* and *emery*, between points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT.

MC 161943 (Sub-1), filed August 2, 1982. Applicant: MOTOR CARRIER EXPRESS, INC., 906 Woodland Drive-Cardinal Bldg., Suite 208, Elizabethtown, KY 42701. Representative: Douglas F. Stancell, P.O. Box 440, Hermitage, TN 37076, 615–885–1330. 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 Phelps Dodge Industries, Inc., of New York, NY.

MC 163123, filed July 30, 1982. Appliocant: RMC TRANSPORTATION, INC., P.O. Box 566, Deshler, NE 68340. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of machinery and metal products, between points in the U.S., under continuing contract(s) with Reinke Manufacturing Company, Inc., and Geneva Tube, Inc., both of Deshler, NE.

MC 163213, filed July 30, 1982. Applicant: RAINBOW EXPRESS, INC., P.O. Box 61193, DRW, TX 75261. Representative: J. Michael Alexander 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237–2385, (214) 339–4108. Transporting *Mercer commodities, earth drilling commodities, machinery, lumber and wood products, and metal products*, between points in the U.S. (except AK and HI).

MC 163222, filed August 2, 1982. Applicant: ROBERT J. GEORGE, 3014 Fourth Ave., Whitehall, PA 18052. Representative: Robert J. George (same as applicant), (215) 262–7647. Transporting *passengers and their baggage, in the same vehicle with passengers*, in special and charter operations, between points in Lehigh, Northampton, Carbon, Monroe, Berks, and Bucks Counties, PA, and Atlantic and Cape May Counties, NJ.

MC 163223, filed August 2, 1982. Applicant: FULTON HAULING COMPANY, INC., 11470 North Fulton Industrial Blvd., Alpharetta, GA 30201. Representative: Richard J. Reynolds, III, 1400 Candler Bldg., 127 Peachtree St., NE., Atlanta, GA 30043, (404) 658–8093. Transporting *cement and fly ash*, between points in AL, GA, and TN.

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Decided: August 17, 1982.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 6992 (Sub-22), filed August 9, 1982. Applicant: AMERICAN RED BALL TRANSIT COMPANY, INC., 1335 Sadlier Circle, East Drive, Indianapolis, IN 46239. Representative: John F. Spickelmier (same address as applicant), 317-353-8331. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), betweeen point in the U.S., under continuing contract(s) with Saber Distributing, of San Francisco, CA.

MC 135732 (Sub-46), filed August 9, 1982. Applicant: AUBREY FREIGHT LINES, INC., 1200 Rte. 23, Butler, NJ 07405. 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).

MC 146143 (Sub-2), filed August 9, 1982. Applicant: JOHNIE R. JOHNSON & BETTY J. RODGERS, d.b.a. B & J TRUCKING, R.R. No. 3, Cisne, IL 62823. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544-5468. Transporting *roofing products, insulation products, pallets, steel pipe, lumber and wood products, glass and plastic products and building materials,* between points in IL and IN, on the one hand, and, on the other, points in AL, AR, GA, KY, LA, MS, MO, TN and TX.

MC 147873 (Sub-4), filed August 10, 1982. Applicant: G. BAKER EXPRESS, INC., 1250 Executive Place, Suite 402, Geneva, IL 60134. Representative: Joel H. Steiner, 29 South LaSalle St., Suite 905, Chicago, IL 60603 (312) 236-9375. Transporting *food and related products,* between points in WI, and points in Kane County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148343 (Sub-3), filed August 10, 1982. Applicant: W.C. FORE TRUCKING, INC., P.O. Box 3058, Dedeaux Rd., Gulfport, MS 39503. Representative: Charles R. Galloway, P.O. Drawer H, 2300 14th St., Gulfport, MS 39501. Transporting *pre-stressed and pre-cast concrete products, construction equipment, vehicular equipment, girders and beams,* between points in LA, MS, AL and FL, under continuing contract(s) with Gulf Coast Pre-Stress Co., Inc., of Pass Christian, MS, and Biloxi Prestress Concrete, Inc., of Biloxi, MS.

MC 159793, filed August 9, 1982. Applicant: DAVID B. STEVENSON, d.b.a. STEVENSON EXPRESS, 13722 Lowe Ave., Riverdale, IL 60627. Representative: Donald S. Mullins & T. M. Schlechter, 1033 Graceland Ave., Des Plaines, IL 60016 (312) 298-1094. Transporting *recyclable materials and products,* between points in the Chicago, IL, Commercial Zone, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, NY, OH, PA, and WI.

MC 160123 (Sub-1), filed August 9, 1982. Applicant: RICHARD D. PEASE d.b.a. INTERSTATE SPECIALIZED CARRIERS, P.O. Box 87, Oakdale, WI 54649. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086 (608) 238-3119. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Sanna, Inc., of Madison, WI.

MC 160663 (Sub-1), filed August 9, 1982. Applicant: ALL-WAYS INTERSTATE TRUCKING CO., 2930 Industrial Park Rd., Iowa City, IA 52244. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501 (515) 682-8154. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Eagle Picher Industries, Inc., of Cincinnati, OH; Free-Flow Packaging Corporation, of Redwood City, CA; International Distributing Corporation, of St. Louis, MO; Metal Doors & Frame, Inc., of Kansas City, MO; Minton, Inc., of Mountain View, CA; Safe-T-Pacific Co., of Redwood City, CA; and Sethness Products Co., of Chicago, IL.

MC 161462 (Sub-4), filed August 2, 1982. Applicant: MIDLAND EXPRESS, INC., 29 South LaSalle St., Suite 350, Chicago, IL 60603. Representative: Anthony E. Young (same as applicant, (312) 782-8880. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between Los Angeles, CA, and points in KS, OK and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163293, filed August 6, 1982. Applicant: B. & D. LIQUID BULK, INC., Highway 527, R.R. 2, P.O. Box 329AC, Old Bridge, NJ 08857. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048 (212) 466-0220. Transporting commodities in bulk, between points in DE, MD, MA, RI, CT, NY, NJ and PA.

MC 163323, filed August 9, 1982. Applicant: BRIAN BELANGER d.b.a. RBR TRANSPORTATION, 2 Mobile Ave., Southington, CT 06489. Representative: Frederick F. Ward, II, 1007 Farmington Ave., West Hartford, CT 06107 (203) 233-2595. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Quality Food Oils, Inc., of Danbury, CT, and Bunge Edible Oil Corporation, of Kankakee, IL.

MC 163333, filed August 10, 1982. Applicant: SAGER TOURS, INC., 801 West Seventh, Anaconda, MT 59711. Representative: William E. O'Leary, 4 G Arcade Bldg., Helena, MT 59601, (406) 443-4010. As a *broker,* at Anaconda, MT, to arrange for the transportation of *passengers and their baggage,* between points in MT, on the one hand, and, on the other, points in the U.S.

MC 163343, filed August 10, 1982. Applicant: L & L TRUCKING, INC., 1 James Trail, North Kingston, RI 02892. Representative: Russell B. Curnett, 826 Orleans Road, P.O. Box 366, Harwich, MA 02645-0366, (617) 432-0907. Transporting *building materials, forest products, lumber and wood products, and such commodities* as are dealt in by wholesle lumber companies, between points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT, under continuing contract(s) with Northeast Distributors, of Warwick, RI.

Volume No. OP4-305

Decided: August 16, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 46737 (Sub-59), filed August 9, 1982. Applicant: GEO. F. ALGER COMPANY, 26380 Van Born Rd., Dearbon Heights, MI 48125. Representative: Delmar A. Broyles, (same address as applicant), (313) 292-2300. Transporting (1) *metal and metal products,* (2) *machinery,* and (3) *building materials,* between points in MI, OH, PA, IN, IL, WI, WV, TN, KY, NY, and MO.

MC 123387 (Sub-34), filed August 9, 1982. Applicant: E. E. HENRY, INC., 1128 S. Military Hwy., Chesapeake, VA 23320. Representative: Dwight L. Koerber, Jr., 110 N. Second St., Clearfield, PA 16830, (814) 765-9611. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 125547 (Sub-1), filed August 9, 1982. Applicant: C.R.B. MOTOR LINES, INC., 50 Executive Dr., Edison, NJ 08817. 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 New York, NY and

points in NJ, on the one hand, and, on the other, points in MA, CT, NY, NJ, PA, DE, MD, RI, and DC.

MC 128087 (Sub-13), filed August 2, 1982. Applicant: JOHN N. JOHN III, INC., P.O. Box 921, Crowley, LA 70526. Representative: John N. John, III (same address as applicant), (318) 783–3394. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in LA.

MC 143257 (Sub-6), filed August 6, 1982. Applicant: EVERMAN'S, INC., R. R. #2, Humeston, IA 50123. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *plastic and plastic products,* between points in the U.S. (except AK and HI).

MC 147647 (Sub-6), filed August 9, 1982. Applicant: LOUIE R. PARRISH AND ALICE PARRISH, d.b.a. PARRISH TRUCK LINE, P.O. Box 762, Monticello, AR 71655. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375–9151. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AR, on the one hand, and, on the other, points in MO, TN, MS, LA, TX, AL, GA, IL, IN, MA, MI, VA, SC, NJ, IA, CO, and KY.

MC 150267 (Sub-14), filed August 6, 1982. Applicant: MCARDLE TRANSPORTATION, INC., Route 1, Hazel Green, WI 53811. Representative: Richard A. Westley, P.O. Box 5086, Madision, WI 53705–0086 (608) 238–3119. Transporting *food and related products,* between points in the U.S. (except AK and HI).

MC 150267 (Sub-15), filed August 9, 1982. Applicant: MCARDLE TRANSPORTATION, INC., Rt. 1, Hazel Green, WI 53811. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. 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 (1) Morton Chemical Company, a div. of Morton-Norwich Products, Inc., of Woodstock, IL; (2) Amweld Building Products, a div. of American Welding & Manufacturing Corporation, of Niles, OH; and (3) Navajo Shippers, Inc., of Denver, CO.

MC 154667 (Sub-10), filed August 9, 1982. Applicant: B. I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr. (same address as applicant), (919) 228–2239. 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 United Forwarding, Inc., of Omaha, NE.

MC 162237 (Sub-1), filed August 9, 1982. Applicant: SWIFT ENTERPRISES, INC., 7901 4th St., No., Suite 308, St. Petersburg, FL 33704. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington DC 20423, (202) 785–0024. Transporting *used household goods, unaccompanied baggage,* and *used automobiles* between points in the U.S. (except AK and HI), under continuing contract(s) with Swift International, Inc., of St. Petersburg, FL.

MC 163277, filed August 9, 1982. Applicant: JAMES J. SANTRY, JR. AND MARYANNE SMITH, d.b.a. S & S REFRIGERATED TRANSPORT SERVICE CO., 536 Fayette St., P.O. Box 952, Perth Amboy, NJ 08861. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *such commodities* as are dealt with in or used by food business houses, between points in the U.S., under continuing contract(s) with Sage Foods, Inc., of Des Plaines, IL.

MC 163327, filed August 9, 1982. Applicant: G & E TRUCKING, R.D. 1, Box 105A, Kinzers, PA 17535. Representative: John W. Metzger, 49 N. Duke St., Lancaster, PA 17602, (717) 299–1181. Transporting (1) *pulverized agricultural limestone* and *crushed stone,* (a) between points in Lancaster and York Counties, PA, on the one hand, and, on the other, points in DE, MD, VA, NJ, NY, and OH, and (b) between points in Kent and Sussex Counties, DE, on the one hand, and, on the other, points in MD and VA, and (2) *sand,* between points in MD and points in Lancaster County, PA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–23041 Filed 8–23–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82–19539 appearing on page 31439 in the issue for Tuesday, July 20, 1982; on page 31442, first column, third full paragraph, "MC 52793 (Sub-98)", second line, "Bikins Van Lines Co." Should read "Bekins Van Lines Co.".

BILLING CODE 1505–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82–18949 appearing on page 30661 in the issue of Wednesday, July 14, 1982, make the following correction.

On page 30661, third column, "MC–30867 (Sub-228), seventeenth line," intermediate points, (4) between Mount" should have read, "intermediate points and the off-route point of Elysian Fields, TX, (4) between Mount".

BILLING CODE 1505–01–M

Agricultural Cooperative, Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

August 19, 1982.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Palouse Producers, Inc.
(2) Box 9, Pullman, WA 99163
(3) Palouse Producers, Inc., Box 9, Pullman, WA 99163
(4) Carol Thompson, Box 9, Pullman, WA 99163

(1) Sterling Colorado Beef Company
(2) P.O. Box 1728, Sterling, CO 80751
(3) P.O. Box 1728, Sterling, CO 80751

(4) William J. Lippman, P.O. Box 6060, Snowmass Village, CO 81615

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-23039 Filed 8-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-136)]

Chicago & North Western Transportation Co.; Abandonment Between Eland and Rhinelander, WI; Findings

The Commission has issued a certificate authorizing Chicago and North Western Transportation Company to abandon its 68.1 mile rail line between Eland (milepost 187.9) and Rhinelander (milepost 256.0) in Shawano, Langlade, and Oneida Counties, WI. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-23036 Filed 8-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 295N)]

Conrail Abandonment in McKean, Elk and Cameron Counties PA; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its (1) Emporium Secondary Track between Johnsonburg, milepost 111.0 and St. Mary, Milepost 128.3 and (2) Ridgeway Industrial Track between milepost 0.0 and milepost 0.5 in Ridgeway, PA, a total distance of 17.8 miles effective March 12, 1982.

The net liquidation value of line (1) between milepost 111.0 and 128.3 is $825,422 and (2) between milepost 0.0 and 0.5 is $132,657. If, within 120 days from the date of this publication, Conrail receives bona fide offers for the sale, for 75 percent of the net liquidation value, of these lines it shall sell such lines and the Commission shall, unless the parties otherwise, agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-23037 Filed 8-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29979]

Prairie Central Railway Co.; Trackage Rights Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 11343 the acquisition by Prairie Central Railway Company (Prairie Central) of trackage rights over 1.7 miles of the Cairo Branch of the Consolidated Rail Corporation, in and near Paris, IL. The trackage rights will link two additional rail line segments over which Prairie Central operates as a designated operator.

DATES: This exemption is effective on September 23, 1982. Petitions for reconsideration must be filed by September 13, 1982. Petitions for stay must be filed by September 3, 1982.

ADDRESSES:

Send pleadings to: (1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423;

(2) Petitioner's representative: William C. Evans, Suite 1100, 1660 L Street NW., Washington, D.C. 20036, (202) 452-7400.

Pleadings should refer to Finance Docket No. 29979.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in Finance Docket No. 29970. To purchase a copy of the full decision contact TS Infosystems, Inc., Interstate Commerce Commission, Room 2227, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan Area) or toll-free (800) 424-5403.

Decided: August 17, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-23038 Filed 8-23-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Hardley Famous Sisters Inc., d.b.a. Yerba Santa Pharmacy; Revocation of Registration; Final Order

On June 23, 1982, the Acting Administration of the Drug Enforcement Administrator (DEA) directed an Order to Show Cause to Hardley Famous Sisters Inc., d.b.a. Yerba Santa Pharmacy, P. T. Brown Avenue, Ocean Shores, Washington 98569 seeking to revoke DEA Certificate of Registration AH7936517. The statutory predicates for the Order under 21 U.S.C. § 824(a)(2) and (3) were the conviction on February 19, 1982 of Mary Jo Mulholland, R.Ph., the proprietor of Yerba Santa Pharmacy, in the Superior Court of the State of Washington for Gray Harbor County of three counts of unlawful delivery of controlled substances in violation of Revised Code of Washington 69.50, felonies relating to controlled substances; and the revocation on February 19, 1982, by the State of Washington Board of Pharmacy of the licenses of Mary Jo Mulholland, R.Ph., to practice pharmacy and operate a pharmacy in Washington, thus terminating her authority to dispense, distribute, possess or otherwise handle controlled substances in that state. Thirty days have elapsed since the issuance of the Order to Show Cause and Hardley Famous Sisters Inc. d.b.a. Yerba Santa Pharmacy (hereinafter pharmacy) has failed to respond. Accordingly, pursuant to 21 CFR 1301.54(d) and 1301.54(e), the Acting Administrator finds that the pharmacy has waived its right to a hearing and enters this Final Order on the record as it appears.

Having examined the record, the Acting Administrator finds that Mary Jo Mulholland was convicted of a controlled substance-related felony and that the State of Washington Board of Pharmacy revoked her licenses to practice pharmacy and operate a pharmacy in Washington. The action by the Board of Pharmacy terminates her authority to dispense, distribute, possess

or otherwise handle controlled substances in Washington, thereby terminating the authority of the pharmacy to handle controlled substances. This Administration has consistently held that termination of a registrant's state authority to handle contolled substances requires DEA to revoke its Certificate of Registration. See *Kenneth E. Wilson, D.D.S.*, 46 FR 25018 (1981); *Henry Weitz, M.D.*, 46 FR 34858 (1981); *David Sachs, M.D.*, Docket No. 77-22, 42 FR 29112 (1977). Further, this Administration has held that the Administrator can revoke a Certificate of Registration of a registrant convicted of a controlled substance-related felony if the registrant fails to come forward with mitigation or explanation. *Marshall D. Nickerson, Jr., M.D.*, 45 FR 72310 (1980); *Thomas E. Johnston, D.O.*, 45 FR 72311 (1980). A managing pharmacist or proprietor exercises sufficent control over a pharmacy registrant that the conviction of the managing pharmacist or proprietor can lead to revocation of the pharmacy's Certificate of Registration. *Nicholas G. Gakidis, t/a New Seabury Pharmacy*, 41 FR 52555 (1976); *William G. Walston d.b.a. Karl Plaza Pharmacy*, 45 FR 82761 (1980).

It is the decision of the Acting Administrator to revoke the pharmacy's DEA Certificate of Registration. Accordingly, pursuant to the authority vested in the Attorney General and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator revokes DEA Certificate of Registration AH7936517 issued to Hardley Famous Sisters Inc. d.b.a. Yerba Santa Pharmacy due to the conviction of Mary Jo Mulholland of a controlled substance-related felony and the revocation of her pharmacy licenses by the State of Washington Board of Pharmacy. This revocation is effective September 23, 1982.

Dated: August 17, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-23042 Filed 8-23-82; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy; Steering Subcommittee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: September 14, 1982, 9:30 a.m., S2217 A & B Frances Perkins, Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Joseph S. Papovich, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6171.

Signed at Washington, D.C. this 24th day of August 1982.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

August 23, 1982.

[FR Doc. 82-23151 Filed 8-23-82; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 3, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 16th day of August 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Aeolian Pianos, Inc., Aeolian American Div. (Independent Union of Piano Workers.	E. Rochester, NY	8/9/82	8/2/82	TA-W-13,705	Pianos.
Amstar Corp., American Sugar Div. (Sugar Workers)	Philadelphia, Pa	8/6/82	7/19/82	TA-W-13,706	Sugar, cane and syrup.
Anschutz Mining Corp., Madison Project (workers)	Fredericktown, Mo	8/5/82	7/31/82	TA-W-13,707	Metal, cobalt—mining.
Armco, Inc., Harewood, Mine (UMWA)	Longacer, W. Va	8/2/82	7/29/82	TA-W-13,708	Coal—mining.
Gulf & Western Manufacturing Co., Monroe Steel Casting Div. (UAW).	Monroe, Mich	8/6/82	7/28/82	TA-W-13,709	Castings—steel.
Johns-Manville Sales Corp., Refactory Felt Dept. (International Chemical Workers Union).	Waukegan, Ill	8/10/82	8/6/82	TA-W-13,710	Roofing, insulators—felt, coverings—pipe.
Lerner Manufacturing Inc. (workers)	Melville, N.Y	8/19/82	8/5/82	TA-W-13,711	Hangers—garment and housewares.
Pennsylvania Optical Co. (company)	Reading, Pa	8/12/82	8/5/82	TA-W-13,712	Lenses, safety, sunglass, van frames—safety.
Pine Brook Manufacturing Co., Inc. (workers)	New York, N.Y	8/4/82	7/6/82	TA-W-13,713	Sportswear—ladies and Jr's.
Bridon American Corp. (workers)	Ashley, Pa	8/6/82	8/3/82	TA-W-13,714	Steel wire and steel wire rope.
Cooper Wiss (RWDSU)	Newark, N.J	7/13/82	6/25/82	TA-W-13,715	Forgings for shears and scissors.
Hema Shirt Co., Inc. (workers)	New York, N.Y	8/9/82	7/21/82	TA-W-13,716	Men's sportshirts.
Mansfield Sportswear, Inc. (workers)	New York, N.Y	8/9/82	7/21/82	TA-W-13,717	Do.
Monarch Machine Tool Co. (UAW)	Cortland, N.Y	8/13/82	8/2/82	TA-W-13,718	Vertical machine centers.
Regal Bag (Pocketbook Workers Union)	Newburgh, N.Y	8/13/82	8/9/82	TA-W-13,719	Ladies' handbags.
Teledyne Vasco, Latrobe Plant (USWA)	Latrobe, Pa	8/6/82	8/3/82	TA-W-13,720	Tool and specialty steel.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
U.S. Steel Corp., Minnesota Ore Operation Minntac Mine (workers).	Mt. Iron, Minn	8/6/82	7/31/82	TA-W-13,721	Iron ore, mining.
Uniroyal, Inc. (workers)	Thomson, Ga	8/6/82	7/27/82	TA-W-13,722	Canvas footwear.
Van Norman Machine Co., Inc. (company)	Springfield, Mass	8/10/82	8/6/82	TA-W-13,723	Automotive brake and engine repair equipment.
West Virginia Flat Glass, Inc. (UGTCW)	Clarksburg, W. Va	8/6/82	8/3/82	TA-W-13,724	Flat glass.

[FR Doc. 82-23153 Filed 8-23-82; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of Vermont

This notice announces the ending of the Extended Benefit Period in the State of Vermont, effective on August 21, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Vermont on February 28, 1982 and has now triggered off.

Determination of "Off" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State for the period consisting of the week ending on July 31, 1982, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending on August 21, 1982.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on August 17th, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 82-23132 Filed 8-23-82; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period August 9, 1982–August 13, 1982.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-12,962; Swan Sportswear Co., Inc., Brooklyn, NY
TA-W-12,917; Teledyne Wisconsin Motor, Milwaukee, WI
TA-W-12,847; Power Sportswear, Mineral, VA
TA-W-12,841; Young House Designs, New York, NY
TA-W-12,833; Phoenix Manufacturing Co., Roselle, NJ
TA-W-12,815; Elliott Co., Jeannette, PA
TA-W-12,797; Kork Ease, Inc., New York, NY
TA-W-12,764; Lambertville, Ceramic Manufacturing Co., Lambertville, NJ
TA-W-12,664; Stanadyne Corp., Stanscrew Div., Bellwood, IL

Affirmative Determination

TA-W-12,814; Dynamic Instrument Corp., Hauppauge, NY

A certification was issued in response to a petition received on June 29, 1981 covering all support service workers separated on or after May 1, 1981 and before December 31, 1981.

I hereby certify that the aforementioned determinations were issued during the period August 9, 1982–August 13, 1982. Copies of these determinations are available for inspection in Room 10332, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal

business hours or will be mailed to persons who write to the above address.

Dated: August 17, 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-23155 Filed 8-23-82; 8:45 am]

BILLING CODE 4510-30-M

LIBRARY OF CONGRESS

Copyright Office

Privacy Act of 1974; Current Systems of Records and of Proposed Routine Uses

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of current systems of records and of proposed routine uses.

SUMMARY: The Copyright Office last published the full text of its systems of records under the Privacy Act of 1974 (5 U.S.C. 552a) at 43 FR 41165, September 14, 1978. The full text of the Copyright Office systems of records also appeared in Privacy Act Issuances, 1980 Compilation, volume IV, page 180. This compilation may be viewed at Depository Libraries and Federal Information Centers.

This publication of the Copyright Office systems of records does not increase or change the number or types of individuals on whom records are maintained; however, it does reflect a change in the manner in which the records are organized. Further, the location statement for all the systems of records has been changed from Arlington, Virginia, to Washington, D.C., as a result of the Copyright Office's move in September 1980. The Copyright Office has also changed its hours of operation.

Specifically, three systems of records: CO-28, Unmailable Jukebox Certificates; CO-29, Licensing Division Refund File; and CO-31, Licensing Division Search Report File, have been deleted since they no longer exist. One system of records: CO-10, Notices of Institution of Actions for the Infringement of Works Refused Registration, has been omitted since it is not a system of records within the meaning of the Privacy Act. Information from that file is not retrievable by reference to a personal identifier. Likewise, no mention has been made in CO-5, Recorded Documents Files, to filings under 17 U.S.C. 508.

Several systems of records have been combined with other systems in order to reflect more accurately the nature and scope of the information in these records: proposed CO-3, Copyright Claims Registration Files, combines former CO-1, Copyright Applications File; former CO-2, Pseudonym Card File (Previous to 1938); former CO-5, Appeal from Refusal to Register File; former CO-7, Incomplete Submission Correspondence File; former CO-8, Open and Closed Unfinished Business Files; and former CO-12, Open and Closed Renewal Correspondence Files; proposed CO-4, Miscellaneous Correspondence Files, combines former CO-6, Miscellaneous Correspondence Files; former CO-20, Open and Closed Certification and Documents Work Files; former CO-21, Copies of Records Correspondence File; and former CO-22, Open and Closed Photoduplication Control Forms Files; proposed CO-5, Recorded Documents Files, combines former CO-9, Recorded Documents Files; and former CO-13, Unfinished Business Document File; and proposed CO-9, Office Mailing Lists, combines former CO-17, Domestic Master Mailing List; and former CO-19, ABA Master Mailing List.

The names of three systems have been changed: former CO-25, Cable Systems Subject to Compulsory License: Statements of Account, is now CO-14, Secondary Transmissions by Cable Systems: Statements of Account; former CO-27, Jukebox License Record Books, is now CO-17, Jukebox License Applications; and former CO-32, Licensing Division Unfinished Business Files (Open and Closed), is now CO-19, Licensing Division Correspondence Files. The remaining systems of records have been renumbered with minor changes.

Although the revisions in the Copyright Office systems of records are, for the most part, changes in form rather than substance, we are hereby publishing the routine uses of these systems for public comment. Interested persons are invited to submit written comments with respect to these routine uses.

DATES: Comments should be received on or before September 30, 1982.

ADDRESSES: Interested persons should submit five copies of their written comments:

If by mail to: Office of General Counsel, Department D.S., Library of Congress, Washington, D.C. 20540; or

By hand to: Office of General Counsel, Copyright Office, Library of Congress, Room 403, James Madison Memorial Building, 1st and Independence Ave., S.E., Washington, D.C. 20540.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559; (202) 287-8380.

These systems of records will become effective September 30, 1982, unless the Copyright Office publishes notice to the contrary.

Dated: August 16, 1982.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

Prefatory Statement

The Copyright Office serves primarily as an office of public record. Section 705 of title 17 of the United States Code requires the Register of Copyrights to provide and keep in the Copyright Office records of all deposits, registrations, recordations, and other actions taken under title 17, and to prepare indexes of all such records. It also provides that such records and indexes, as well as the articles deposited in connection with completed copyright registrations and retained under the control of the Copyright Office, shall be open to public inspection. Therefore, information from these records and indexes is routinely disclosed to the public. Further, in accordance with 17 U.S.C. 706(a), copies may be made of the public records and indexes of the Copyright Office.

The source for Copyright Office systems of records are, wherever possible, the individuals to whom the records pertain or their authorized agents. Copyright Office personnel frequently make additions or notations on Office records in the performance of their official duties. To the extent they add information on individuals to Office files, they should be considered sources of records. However, because of the volume of such additions and notations, Copyright Office personnel have not been cited specifically under the heading "source categories" in this Systems' Notice.

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CO-1

SYSTEM NAME:

Master Index Card Files.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20559.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Remitters of all cash received by the Office, and individuals who submit documents for recordation, whether or not accompanied by a remittance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of material and remittances received; records of final disposition of cases (in the form of registration numbers or identity of other fee services), the amount charged and/or the amount refunded, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 705, 708.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH FEES:

The Office uses this system: (1) To keep a record of the receipt and disbursement of all incoming cash; (2) to locate cases in-process before the permanent catalog record is available; and (3) to prepare refund vouchers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

4 x 6 index cards in file cabinets.

RETRIEVABILITY:

Alphabetically by remitter's name.

SAFEGUARDS:

These records are maintained in a room which is generally restricted to authorized personnel and locked during non-working hours. Limited, provisional public access to these records is allowed from 10 a.m. to 11 a.m., Monday thru Friday, except legal holidays.

RETENTION AND DISPOSAL:

Five years.

SYSTEM MANAGER(S) AND ADDRESS:

Section Head, Material Control Section, Acquisitions and Processing Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURE:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure".

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Remitters or their authorized agents.

CO-2

SYSTEM NAME:

Deposit Accounts Subsystem.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20559.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who maintain deposit accounts in the Office for the payment of their copyright fees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of deposit account holder, date of transaction, debit or credit notation, old balance, new balance, and transaction identification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 705, 708.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records: (1) To record copyright fee charges, replenishments, and current balances of deposit account holders; (2) to send periodic statements to deposit account holders of their transactions with the Office; (3) to notify deposit account holders that their accounts have become depleted; and (4) to obtain recent registration numbers in order to locate applications needed in the preparation of search reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records kept from November 1, 1977. All such records are on computer discs and tapes.

RETRIEVABILITY:

By name of deposit account holder, deposit account number, and transaction identification number.

SAFEGUARDS:

Records are stored on tapes and discs in a room which is restricted to authorized personnel and locked during nonworking hours. Computer access is by functional passwords which are restricted to personnel who require access to these records in the performance of their official duties.

RETENTION AND DISPOSAL:

The computerized system is used to store transactions for three months, at which time the record is transferred to microfilm for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Section Head, Fiscal Control Section, Acquisitions and Processing Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURE:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Deposit account holders and Office charge sheets.

CO-3

SYSTEM NAME:

Copyright Claims Registration Files

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20559; Landover Center Annex, 1701 Brightseat Road, Landover, Md. 20785; Washington National Records Center, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authors and other copyright owners, copyright claimants, applicants for registration or copyright renewal, or the authorized agents of such individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and addresses of copyright claimants; certified statements pertaining to authorship, creation, publication, and other registration-related information; general correspondence pertaining to registration of claims to copyright.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 705, 708.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records: (1) In the preparation of search reports at the request of a member of the public; (2) to respond to requests by the public for information; (3) to correspond with applicants or otherwise process applications and related materials; (4) to monitor and control the flow of work in the Office; and (5) to establish and maintain a public record. It is the general policy of the Copyright Office to deny direct public inspection of in-process application forms and correspondence, and any related material forming part of a pending application, except upon the request of the copyright claimant or his/her authorized representative. However, information about the material facts alleged in the application will be given to the public upon request. Once registration of a copyright claim has been completed or refused at the final agency level, the registration and correspondence records pertaining to that claim are open for public inspection from 8:30 a.m. to 5 p.m., Monday thru Friday, except legal holidays.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila envelopes in file cabinets and on shelves; index cards in file cabinets; bound volumes and microfilm; computer tapes and discs.

RETRIEVABILITY:

Registration number, cross-referenced by name of author, name of claimant, and title of work in the Copyright Card Catalog; alphabetically by author's pseudonym (prior to 1938) in Pseudonym Card File; on computer terminals by correspondence control number, remitter's name and any entered cross-references; in the case of physical files, by correspondence control number on a bar code label attached to each file.

SAFEGUARDS:

With the exception of the Copyright Card Catalog, these records are maintained in areas that are restricted to authorized personnel. All records in this system are maintained in areas that are locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Section Head, Renewal and Documents Section, Examining Division, Corypright Office, Library of Congress, Washington, D.C. 20559; Section Head, Materials Control Section, Acquisitions and Processing Division, Copyright Office, Library of Congress, Washington, D.C. 20559; Section Head, Records Storage Section, and Section Head, Card Catalog Section, Records Management Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Remitters or their authorized agents.

CO-4

SYSTEM NAME:

Miscellaneous Correspondence Files.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20559.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have: (1) Written to the Copyright Office for general information about copyright; or (2) request fee services such as search reports, copies of records or additional certificates of copyright registration.

CATEGORIES OF RECORDS IN THE SYSTEM:

General correspondence, including, where appropriate, the requester's name and action taken by the Office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 407–410, 705, 706, 708.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records: (1) To maintain a record of correspondence with individuals who address inquiries to the Office and with individuals who request fee services; (2) to record the removal and return of documents in a file by Office personnel; and (3) to control and monitor the processing of requests.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila envelopes in file cabinets and on shelves, and, on occasion, 3 × 5 paper slips in a file cabinet.

RETRIEVABILITY:

Alphabetically by correspondent's name.

SAFEGUARDS:

These records are maintained in areas that are restricted to authorized personnel and locked during nonworking hours.

RETENTION AND DISPOSAL:

Some files are retained indefinitely, while others are only retained for 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Section Head, Certification and Documents Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559; Section Head, Materials Control Section, Acquisitions and Processing Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, or their authorized agent.

CO-5

SYSTEM NAME:

Recorded Documents Files.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20559.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are parties to, or have submitted for recordation, assignments, licenses, notices of termination of transfer, and other documents pertaining to a copyright; notices of error in the name in a copyright notice; authors of anonymous and pseudonymous works in instances where any person having an interest in the copyright in such a work submits a statement identifying one or more authors of the work; authors of works in instances where any person having an interest in the copyright in a particular work submits a statement of the death of the author or a statement that the author is still living on a particular date.

CATEGORIES OF RECORDS IN THE SYSTEM:

Assignments, licenses, notices of termination of transfer, wills, statements of abandonment of copyright, affidavits (such as a statement with respect to the authorship of a work), agreements or contracts, and other documents pertaining to copyright ownership, statements of identity of an anonymous or pseudonymous author, statements of the date of death of an author or that the author is still living on a particular date, and notices of error in the name in a copyright notice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 203(a)(4), 205, 302, 304(c), 406(a)(2), 705.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records of recorded documents are open to public inspection from 8:30 a.m. to 5 p.m., Monday thru Friday, except legal holidays. In addition, the Office uses these records to compile an index to documents received for recordation. The index to documents received on or after January 1, 1978, is interfiled in the Copyright Card Catalog.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Prior to recordation, records are maintained in manila envelopes in file cabinets. Once recorded, original documents are microfilmed and returned to the remitter. Copies of copyright assignments and related documents received prior to 1954 are in bound volumes as well as on microfilm.

RETRIEVABILITY:

By the date the Office received the document and cross-referenced it in the Copoyright Card Catalog by individual names and titles of works.

SAFEGUARDS:

Prior to recordation, documents and related materials are maintained in a room which is restricted to authorized personnel. All records are maintained in areas that are locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Section Head, Renewal and Documents Section, Examining Division, Copyright Office, Library of Congress, Washington, D.C. 20559; and Section Head, Card Catalog Section, Records Management Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

NOTIFICATION PROCEDURE:

Inquires about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, such individual's authorized agent, and other parties to the document recorded, or such parties' authorized agents, as well as individuals having an interest in the copyright in a work which is the subject of the document submitted for recordation.

CO-6

SYSTEM NAME:

Motion Picture Agreement Files.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20559.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Copyright depositors who have agreed to return to the Library one archival quality copy of any motion picture returned to the depositor if the Library of Congress requests such return within two years of the date of deposit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain the name and address of the depositor and the date on which the Motion Picture Agreement was executed by the Librarian of Congress.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 407 705.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records to determine if the Library of Congress has a Motion Picture Agreement with the depositor of a motion picture. If the Library has such an agreement, the copy of the motion picture submitted will be returned to the remitter if a written request has been made. In the absence of such an agreement, the Office will retain the copy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Upon receipt of these Agreements, the Deposits and Acquisitions Section transcribes some of the information in the agreements onto 3 x 5 cards, copies of which are then sent to the Performing Arts Section of the Copyright Office Examining Division.

RETRIEVABILITY:

Alphabetically by depositor's name.

SAFEGUARDS:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Section Head, Deposits and Acquisitions Section, Acquisitions and

Processing Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Request from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Depositors' or their authoized agents.

CO-7

SYSTEM NAME:

Deposit Recordation File.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20559.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, without simultaneously applying for copyright registration, have submitted deposit copies in accordance with the provisions of 17 U.S.C. 407.

CATEGORIES OF RECORDS IN THE SYSTEM:

Title of work, edition statement, imprint, collation, in notice statement, depositor, depositor's address, number of copies received, and date received.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 407, 705.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records: (1) To keep a record of compliance with 17 U.S.C. 407; (2) to locate and correspond with those who have published works with notice of copyright, but who have not deposited the required copies; (3) to prepare weekly statistics on the number and nature of deposits received; and (4) to prepare search reports at the request of a member of the public.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

4 x 6 cards in file cabinet and visible file.

RETRIEVABILITY:

Alphabetically by depositor's name, author's name, and title of work.

SAFEGUARDS:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Section Head, Deposits and Acquisitions Section, Acquisitions and Processing Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Deposit copies submitted.

CO-8

SYSTEM NAME:

Compliance Activity File.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20559.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals from whom the Office has demanded, in accordance with 17 U.S.C. 407, copies of works published with a notice of copyright in the United States. It also includes individuals whose works were found to be deposited in accordance with 17 U.S.C. 407 prior to a demand.

CATEGORIES OF RECORDS IN THE SYSTEM:

Author's name, title of work, publisher, copyright claimant, dates of initial and follow-up action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 407, 705.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records to avoid sending out duplicate correspondence.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

4 x 6 index cards in a file cabinet.

RETRIEVING:

Alphabetically by title and claimant's name.

SAFEGUARDS:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Section Head, Deposits and Acquisitions Section, Acquisitions and Processing Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Printed bibliographies, publishers' catalogs, citations provided by the Library of Congress, published citations of the work, and Office personnel who have personally observed the item cited.

CO-9

SYSTEM NAME:

Office Mailing Lists.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20559.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have frequent contact with the Copyright Office, or have asked to receive all Office information circulars, announcements, and other printed material prepared by the Office. Attorneys who are listed in the annual edition of the "American Bar Association Section of Patent, Trademark, and Copyright Law Committees" as members of the copyright-related committees are also included.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and addresses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 707.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records to address and mail Office information circulars, announcements and other printed material. The regulations of the Office now provide that these mailing lists will not be disclosed to the public.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila folders in a file cabinet and computer print-out sheets in a binder, stored in a desk drawer.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

RETENTION AND DISPOSAL:

Individuals may request that their names be dropped from the list. The list is verified and updated periodically.

SYSTEM MANAGER(S) AND ADDRESS:

Section Head, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains, Copyright Office records, trade reference sources, and annual edition of "American Bar Association Section of Patent, Trademark, and Copyright Law Committees."

CO-10

SYSTEM NAME:

Freedom of Information Act and Privacy Act Requests and Disclosures File.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20559.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted Freedom of Information Act and/or Privacy Act requests in accordance with 37 CFR Parts 203 and 204.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests submitted under the Freedom of Information Act and/or Privacy Act; request submitted under the Privacy Act for correction or amendment of Office records; and copies of the Office response to these requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 701.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records: (1) To maintain an accounting of Freedom of Information Act and/or Privacy Act requests and Office responses to these requests; (2) to maintain an accounting of requests submitted under the Privacy Act to correct or amend a record pertaining to an individual, and the Office responses to these requests; (3) to compile the annual report required by the Freedom of Information Act; and (4) to review and compile the annual report required by the Privacy Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila folders in a file cabinet.

RETRIEVABILITY:

Alphabetically by requester's name.

SAFEGUARDS:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Section Head, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains, and Copyright Office records.

CO-11

SYSTEM NAME:

Address File.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20559.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Copyright claimants of record whose address has been requested by a member of the public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of claimant of record, year date of address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 705.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records to facilitate searching for addresses of copyright claimants when such addresses are requested by a member of the public.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3 x 5 index cards in file box.

RETRIEVABILITY:

Alphabetically by claimant of record's name.

SAFEGUARDS:

These records are maintained in a room which is restricted to authorized personnel and is locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained indefinitely; however, obsolete addresses are disposed of as more current addresses are obtained.

SYSTEM MANAGER(S) AND ADDRESS:

Section Head, Reference and Bibliography Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Copyright claimants, their authorized agents, phone books, and city directories.

CO-12

SYSTEM NAME:

Bibliographic File.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20559.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Well-known or prolific authors or authors of well-known works, in those instances where the Office determines that it would be in the public interest to preserve published copyright-related information about such authors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Newspaper clippings, magazine articles, obituaries, book jackets and similar information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 705.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; and (2) in the compilation of an index to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Folders in file cabinets.

RETRIEVABILITY:

Alphabetically by author's name, law firm's name, or title of work.

SAFEGUARDS:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Section Head, Reference and Bibliography Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURE:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Magazines, newspapers book jackets, trade reference sources, Copyright Card Catalog, applications and other materials.

CO-13

SYSTEM NAME:

Secondary Transmissions by Cable Systems: Initial Notice of Identity and Changes File.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20559.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Cable system owners who submit notices of identity for recordation in the Copyright Office, notices of ownership or control change, or notices of change in the signal carriage complement of cable systems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Statement of identity and address of the person who owns the secondary transmission service, name and location of the primary transmitter or transmitters whose signals are regularly carried, changes in any of the preceding categories, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 111(d)(1).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; and (2) in the preparation of internal statistical reports; and (3) to establish and maintain a public record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila folders in locked file cabinet and microfilm.

RETRIEVABILITY:

Alphabetically by legal name of the owner of the cable system.

SAFEGUARDS:

These records are maintained in a room is restricted to authorized personnel and is locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains or such individual's authorized agent.

CO-14

SYSTEM NAME:

Secondary Transmissions by Cable Systems: Statements of Account.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20557.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners of cable systems who file the semi-annual statement of account required by 17 U.S.C. 111(d)(2).

CATEGORIES OF RECORDS IN THE SYSTEM:

Legal names and addresses of owners of cable systems, communities served by cable systems, call signs and locations of primary transmitters and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 111(d)(2).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; (2) to establish and maintain a public record; and (3) in the preparation of semi-annual compilations of statements of account which the Copyright Office must submit to the Copyright Royalty Tribunal as required by 17 U.S.C. 111(d)(2).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila folders in a file cabinet.

RETRIEVABILITY:

Alphabetically by legal name of the owner of the cable system, grouped according to accounting period and year.

SAFEGUARDS:

These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, D.C. 20557.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains or such individual's authorized agent.

CO-15

SYSTEM NAME:

Cable System Videotape Transfer Contracts File.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20557.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals to whom a cable system has transferred a videotape of a program nonsimultaneously transmitted by it pursuant to a written, nonprofit contract providing for the equitable sharing of costs of such videotape and its transfer.

CATEGORIES OF RECORDS IN THE SYSTEM:

Transferor, transferee, title, date contract effective, date of recordation, location of cable system, notation of acknowledgement of receipt by the Copyright Office, related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 111(e)(2)(A).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; and (2) to establish and maintain a public record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila folders in file cabinet and on microfilm.

SAFEGUARDS:

These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, D.C. 20557.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Parties to the transfer contracts or such parties' authorized agents.

CO-16

SYSTEM NAME:

Notice of Intention to Obtain Compulsory License for Making and Distributing Phonorecords Embodying Nondramatic Musical Works File.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20557.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who file a notice of their intention to obtain a compulsory license for making and distributing phonorecords embodying nondramatic musical works.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, name of copyright owner, titles, date of recordation of notice, internal notation of date upon which the Office informally acknowledged receipt of the notice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 115(b)(1).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; (2) to establish and maintain a public record; and (3) in the preparation of internal statistical reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila folders in file cabinet.

RETRIEVABILITY:

Alphabetically by name of remitter and name of copyright owner.

SAFEGUARDS:

These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, D.C. 20557.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains or such individual's authorized agent.

CO-17

SYSTEM NAME:

Jukebox License Applications.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20557.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Jukebox operators who have applied for, and been issued, a jukebox license.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of operator, manufacturer, serial number or model number, model name, model year, charge per play, capacity, type of sound, person to be contacted for further information, number of jukeboxes, amount of remittance, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 116(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; (2) to establish and maintain a public record; and (3) in the preparation of internal statistical and accounting reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila folders in a file cabinet.

RETRIEVABILITY:

Alphabetically by name of owner, grouped by year.

SAFEGUARDS:

These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, D.C. 20557.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publication Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing, addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains or such individual's authorized agent.

CO-18

SYSTEM NAME:

Voluntary Licensing Agreements File.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20557.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who submit for recordation voluntary licensing agreements between: (1) Copyright owners of published nondramatic musical works and published pictorial, graphic, and sculptural works and public broadcasting entities; and (2) copyright owners of nondramatic literary works and public broadcasting entities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of actual agreements submitted for recordation, copies of registration certificates of record, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 118 (b)(2) and (e)(1).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; (2) in the preparation of internal statistical reports; and (3) to establish and maintain a public record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila folders in a file cabinet and on microfilm.

RETRIEVABILITY:

Alphabetically by names of copyright owners and public broadcasting entities.

SAFEGUARDS:

These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, D.C. 20557.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the offical designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Parties to voluntary licensing agreements or such parties' authorized agents.

CO-19

SYSTEM NAME:

Licensing Division Correspondence File.

SYSTEM LOCATION:

Copyright Office, Library of Congress, Washington, D.C. 20557.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who send letters of transmittal and other incidential correspondence to be Licensing Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

General correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

17 U.S.C. 111, 115, 116, 118, 705.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office uses these records to maintain a record of incidental correspondence with the Licensing Division.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila folders in file cabinet.

RETRIEVABILITY:

Alphabetically by correspondent's name.

SAFEGUARDS:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

RETENTION AND DISPOSAL:

Records are kept in the Open file until a reply is received or until the case is closed. Records in the Closed file are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, D.C. 20557.

NOTIFICATION PROCEDURE:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559

RECORD ACCESS PROCEDURES:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

See rules published in 37 CFR Part 204.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains or such individual's authorized agent.

[FR Doc. 82-23130 Filed 8-23-82; 8:45 am]
BILLING CODE 1410-03-M

MERIT SYSTEMS PROTECTION BOARD

Schedule for Awarding Senior Executive Service Performance Awards (Bonuses)

Note.—This document originally appeared in the **Federal Register** of Monday, August 23, 1982. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Merit Systems Protection Board.

AGENCY: U.S. Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

SCHEDULE FOR AWARDING SENIOR EXECUTIVE SERVICES BONUSES: The U.S. Merit Systems Protection Board intends to award Senior Executive Service bonuses for the performance rating cycle of July 1, 1981 through June 30, 1982, with payouts scheduled by September 30, 1982.

EFFECTIVE DATE: August 23, 1982.

FOR FURTHER INFORMATION CONTACT: Frederick L. Foley, Acting Director, Personnel Management Division, U.S. Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, D.C. 20419, (653-5916).

For the Board.

Herbert E. Ellingwood,

Chairman.

August 13, 1982.

[FR Doc. 82-22951 Filed 8-20-82; 8:45 am]
BILLING CODE 1505-02-M

NATIONAL COMMISSION ON EMPLOYMENT POLICY

Meeting

ACTION: Notice of meeting.

SUMMARY: Under the provisions of the Federal Advisory Comittee Act (Pub. L. 92-463, as amended), notice is given of the twenty-seventh meeting of the National Commission for Employment Policy, at the Capital Hilton Hotel, 16th and K Streets, N.W. Washington, D.C.

DATE:

September 16, 9:00 a.m-5:00 p.m.
September 17, 9:00 a.m.-1:00 p.m.

STATUS: This meeting will be open to the public.

MATTERS TO BE DISCUSSED: Commission members will review and discuss the current unemployment situation, the status of the job training legislation, and displaced workers. They will consider future NCEP activities. Staff will present

a preliminary work plan for research on displaced workers and unemployment insurance and will update Commissioners on current projects on older workers, business, and the annual report.

FOR FURTHER INFORMATION CONTACT: Ms. Sara Toye, Assistant Director for Administration, National Commission for Employment Policy, 1522 K Street, N.W., Suite 300, Washington, D.C. 20005; (202) 724–1550.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established as title V of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95–524). The Act gives the Commission the broad responsibility of advising the President and the Congress on national employment issues. Business meetings are open to the public. People wishing to submit written statements to the Commission that are germane to the agenda may do so, provided that such statements are in reproducible form and are submitted to the Director at least two days before the meeting and not more than seven days after the meeting.

In addition, members of the general public may request to make oral presentations to the Commission, time permitting. Such statements must be applicable to the announced agenda and written application must be submitted to the Director at least three days before the meeting. This application should include: Name and address of applicant, subject of presentation, relation to agenda, amount of time needed, individual's qualifications to speak on the subject, and a statement justifying the need for an oral rather than written presentation.

The Commission Chairman has the right to decide to what extent public oral presentations may be permitted at the meeting. Oral presentations will be limited to statements of facts and views and shall not include any questionning of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting and materials prepared for it will be available for public inspection at the Commission's headquarters, 1522 K Street, N.W., Suite 300, Washington, D.C. 20005

Signed in Washington, D.C., this 16th day of August 1982.

Ralph E. Smith,

Deputy Director.

[FR Doc. 82–23154 Filed 8–23–82; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel (Jazz Individuals Prescreening); 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 September 7 and September 21 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 18, 1982.

[FR Doc. 82–23026 Filed 8–23–82; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses to Import/Export; Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following applications for import/export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed by September 23, 1982. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 17th day of August at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (EXPORT/IMPORT)

Name of applicant, date of application, date received, and application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., Aug. 5, 1982, Aug. 5, 1982, ISNM82011.	1.10 pct enriched uranium	31,000	341	To be used as feed for UES–4101–DUE (from UES–SD/2).	From France.
Transnuclear, Inc., Aug. 5, 1982, Aug. 5, 1982, ISNM82012.	1.0 pct enriched uranium	17,000	170	To be used as feed for UES/EU/39	From France.
Exxon Nuclear Company, Aug. 4, 1982, Aug. 9, 1982, ISNM82013.	4.3 pct enriched uranium	93,020	4,000	For return of damaged, unirradiated fuel rods or assembles from Chinshan 1 and 2 or Kuoshen 1 and 2.	From Taiwan.
Phibro-Salomon, Inc., Aug. 4, 1982 Aug. 10, 1982, ISNM82015.	5.0 pct enriched uranium	500,000	25,000	For ultimate use in domestic nuclear power reactors	From various countries.
Mitsubishi Int'l Corp., July 21, 1982, Aug. 9, 1982, XSNMO1979.	2.85 pct enriched uranium	7,462	213	Reload fuel for Takahama-2	Japan.

FEDERAL REGISTER (EXPORT/IMPORT)—Continued

Name of applicant, date of application, date received, and application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Mitsubishi Int'l Corp., July 21, 1982, Aug. 9, 1982, XSNMO1980.	3.25 pct enriched uranium	19,769	643	Reload fuel for Ohi-2	Japan.
General Electric Co., Aug. 5, 1982, Aug. 9, 1982, XSNMO0463(06).	3.85 pct enriched uranium	[1]3,734	[1]82	Increase quantity of material for Caorso reactor, extend date, add intermediate consignee-fuel for Caorso.	Italy.
Total		126,585	3,055		

[1]Additional.

[FR Doc. 82-23045 Filed 8-23-82; 8:45 am]

BILLING CODE 7590-01-M

Use of High-Enriched Uranium (HEU) in Research Reactors; Policy Statement

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Statement of policy.

SUMMARY: The Nuclear Regulatory Commission (NRC) has licensing responsibility for domestic use and for export abroad of Special Nuclear Material, including High-Enriched Uranium (HEU), and is interested in reducing, to the maximum extent possible, the use of HEU in domestic and foreign research reactors. The NRC is pleased to note that the current U.S. Administration continues to support the Reduced Enrichment for Research and Test Reactors program and that to date the U.S. Congress has approved adequate funding for this program. In this connection, the NRC has prepared the following policy statement.

FOR FURTHER INFORMATION CONTACT: James V. Zimmerman, Assistant Director, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-7866.

SUPPLEMENTARY INFORMATION:

In the 1950's the U.S. entered into several short-term agreements for cooperation (5-10 years) allowing for the export of research reactors and fuel under the "Atoms for Peace" program. In subsequent years the U.S. has been a major supplier of high-enriched uranium (HEU) for use abroad, primarily in research and test reactors. Such reactors produce radioisotopes for use in such areas as medicine, agriculture, desalination, research in biological effects of radiation, etc. Materials test reactors are also used to train future operators of commercial power reactors and to test new materials and fuels.

In the mid 1970's, particularly following India's detonation of a nuclear explosive device in 1974, nuclear proliferation concerns began to increase. Expanded efforts were undertaken to prevent nuclear power programs from being exploited to produce nuclear weapons. Particular concerns were expressed with respect to the proliferation risks associated with inventories of HEU for research and test reactors abroad. The widespread use of HEU fuel, which involved a large number of domestic and international fuel shipments, increases the risks of proliferation through theft or diversion of this material. In contrast to HEU, the use of fuel with lower enrichments reduces proliferation risks.

In an effort to allay concerns of proliferation risks, efforts were made to reduce HEU inventories, on the assumption that any reduction in the potential for access to these inventories would constitute a reduction in the proliferation risk. These concerns eventually led to the establishment of the reduced enrichment for research and test reactors (RERTR) program. This program was established to develop and demonstrate the technology that will facilitate the use of reduced-enrichment uranium fuels in research and test reactors. If successful, this could lead to a significant reduction of HEU inventories abroad, and thereby increase the proliferation resistance of related fuel cycles.

The objective of the RERTR program is to develop research and test reactor fuels which will allow substitution of uranium of low enrichment (LEU, less than 20%) for HEU and which will not significantly affect reactor performance characteristics or fuel cycle costs. On an interim basis, some reactors may utilize intermediate enrichment fuels (45%), while the LEU fuel development program is in progress. It should be noted, however, that no U.S. effort will be made to develop fuels with enrichments significantly below 20%, because of the increasing magnitude of plutonium production in fuels with very low or no enrichment.

To date, DOE has initiated a development and test program managed by the Argonne National Laboratory (ANL) to prove the feasibility of the new lower enrichment fuels. Many foreign countries are cooperating with the U.S. in this effort, and, within the past year, NRC has issued several export licenses for reduced-enrichment uranium to be fabricated into test elements for foreign and domestic research reactors.

Assuming RERTR program success, most of the performance testing of LEU aluminide and oxide fuels with high uranium densities for use in plate-type reactors will be completed by the end of 1984. The irradiation of pin-type zirconium hydride fuel with high uranium density for use in Triga-type, and possibly plate-type, reactors will be completed in 1983. Assuming licensing approvals, these fuels could then enter into full scale use in appropriate reactors. Silicide fuels with very high uranium densities are also being developed and tested by the RERTR program. These fuels may be needed for conversion of high power reactors.

As part of the overall RERTR program, Argonne conducts for DOE a technical and economic evaluation of each significant HEU export license application including the potential of the reactor for conversion to reduced-enrichment fuel within the planned availabilities of appropriate reduced-enrichment fuels. Nearly all potential conversion candidates have been evaluated. Technical conversion schedules are being planned by reactor operators based on demonstration and licensability of the fuel. Based on the technical and economic evaluation by ANL, a coordinated Executive Branch recommendation on the license application is developed by the Department of State and is submitted to the NRC.

The objectives of the RERTR program have been fully supported by NRC since its inception. The Commission has also utilized Argonne's analyses in support of its reviews of proposed interim exports of HEU, particularly with respect to determining the dates when conversion to lower-enriched fuels can be anticipated. The Commission is pleased to note that the current Administration continues to support the RERTR program and that Congress has approved adequate funding for the program.

The Commission also notes that several types of LEU fuel are currently being tested in DOE's RERTR program. As soon as all the necessary tests are completed, the Commission is prepared to act expeditiously to review the use of the new fuel in domestic research and test reactors licensed by NRC.

With respect to future export license applications for HEU, bearing in mind the Commission's responsibility to make an overall finding that each export would not be inimical to the common defense and security of the U.S., the Commission intends to continue its current practice of careful scrutiny to verify that additional interim HEU exports are justified. The Commission plans to continue to monitor the progress of the RERTR program so that it can understand what would be appropriate conversion schedules, and to encourage that actions be taken to eliminate U.S.-supplied inventories of HEU to the maximum degree possible.

The Commission notes that U.S. research reactor operators have shown little interest in converting to lower enrichment fuel. As part of a policy to strongly encourage conversion by foreign operators, the Commission will take steps [1] to encourage similar action by U.S. research reactor operators.

Dated at Washington, D.C. this 17th day of August, 1982.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-23051 Filed 8-23-82; 8:45 am]

BILLING CODE 7590-01-M

[1] Because the "steps" referred to in the above sentence have not been detailed or discussed, Commissioner Roberts does not agree to the sentence since it implies that a specific course of action will be followed by the NRC.

Abnormal Occurrence Report; Section 208 Report Submitted To the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued the periodic report to Congress on abnormal occurrences (NUREG-0090, Vol. 5, No. 1).

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

This report to Congress is for the first calendar quarter of 1982. The report identifies the occurrences or events that the Commission determined to be significant and reportable; the remedial actions that were undertaken are also described. The report states that there were four abnormal occurrences at the nuclear power plants licensed to operate. The first involved diesel generator engine cooling system failures. The second involved pressure transients during shutdown. The third involved major deficiencies in management controls. The fourth involved a steam generator tube rupture. There were no abnormal occurrences for the other NRC licensees during the report period. The Agreement States reported no abnormal occurrences to the NRC.

The report to Congress also contains information updating some previously reported abnormal occurrences.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, NW, Washington D.C. or at any of the nuclear power plant Local Public Document Rooms throughout the country. Single copies of the report, designated NUREG-0090, Vol. 5, No. 1, may be purchased from the National Technical Information Service, Springfield, Virginia 22161.

A year's subscription to the NUREG-0090 series publication, which consists of four issues, is available from the NRC-GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Microfiche of single copies of the publication are also available from this source.

Dated at Washington, D.C. this 16th day of August 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-23053 Filed 8-23-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-373]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

On April 17, 1982, the U.S. Nuclear Regulatory Commission (the Commission) issued Facility Operating License No. NPF-11, to Commonwealth Edison Company (licensee) authorizing operation of the La Salle County Station, Unit 1 (the facility), at reactor core power levels not in excess of 166 megawatts thermal (5 percent power) in accordance with the provisions of the license, the Technical Specifications and the Environmental Protection Plan.

The Commission has now issued Amendment No. 4 to Facility Operating License No. NPF-11, which authorizes operation of the La Salle County Station, Unit 1, at reactor core power levels not in excess of 3323 megawatts thermal (100 percent power) in accordance with the provisions of the amended license. In addition, the Amendment makes administrative modifications dealing with omissions, an addition and changes in the areas of exemption, reporting to the Commission, and completion date of equipment qualification; requires confirmation of vacuum breakers to withstand pool swell forces; and a license condition regarding HVAC systems with respect to operation above 5% and 50% power.

La Salle County Station, Unit 1 is a boiling water nuclear reactor located in Brookfield Township, La Salle County, Illinois. The amendment is effective as of the date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the amended license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on June 9, 1977 (42 FR 29576-29577). The increase in power level authorized by this Amendment is encompassed by that prior public notice. Prior public notice of the administrative changes authorized by this Amendment was not required since these changes do not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impacts other than those evaluated in the Final Environmental Statement, its Addendum, and assessment of the effect 40 year license from issuance of this amendment since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement, its Addendum, and assessment of license duration. Further, with respect to the administrative changes in the Amendment, the Commission has determined that the issuance of this Amendment will not result in any

significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this Amendment.

For further details with respect to this action, see (1) Amendment No. 4 to Facility Operating License No. NPF-11; (2) Facility Operating License No. NPF-11 dated April 17, 1982, authorizing five percent power; (3) the report of the Advisory Committee on Reactor Safeguards dated April 16, 1981; (4) the Commission's Safety Evaluation Report (NUREG-0519) dated March 1981, Supplement No. 1 dated June 1981, Supplement No. 2 dated February 1982, Supplement No. 3 dated April 1982, and Supplement No. 4 dated July 1982; (5) the Final Safety Analysis Report and amendments thereto; (6) the Environmental Report and Supplements thereto; (7) the Final Environmental Statement dated November 1978 and the Addendum to the Final Environmental Statement dated May 1981; (8) NRC Flood Plain Review of La Salle Nuclear Plant Site dated January 29, 1981, and (9) an assessment of the effect of 40 year license for issuance of Amendment No. 4 to the Operating License No. NPF-11.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and the Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348. A copy of Amendment No. 4 to Facility Operating License No. NPF-11 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 1, 2, 3, and 4 (NUREG-0519) may be purchased at current rates from the National Technical Informative Service, Department of Commerce, 5238 Port Royal Road, Springfield, Virginia 22161, and through the NRC GOP sales program by writing to the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders can call (301) 492-9530.

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

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 82-23050 Filed 8-23-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413 and 50-414]

Duke Power Company, et al.; Availability of Draft Environmental Statement for Catawba Nuclear Station, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG-0921) prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina, is available for inspection by the public in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina. The Draft Statement is also being made available at the State Clearinghouse, Office of the State Auditor, P.O. Box 11333, Columbia, South Carolina 29211 and at the Catawba Regional Planning Council, P.O. Box 862, Rock Hill, South Carolina 29730. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

The applicant's Environmental Report, as supplemented, submitted by Duke Power Company is also available for public inspection at the above designated locations. Notice of availability of the applicant's Environmental Report was published in the **Federal Register** on June 25, 1981 (46 FR 32974).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by October 11, 1982. Comments by Federal, State and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register.**

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of August 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 82-23046 Filed 8-23-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-2657]

Public Service Company of Colorado; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR-34 issued to the Public Service Company of Colorado, which revised the license for operation of the Fort St. Vrain Nuclear Generating Station (the facility) located in Platteville, Colorado. The amendment is effective as of the date of issuance.

The amendment adds license conditions to include the Commission approved Guard Training and Qualification Plan and the Safeguards Contingency Plan as a part of the license.

The licensee's filing, which is being handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated April 6, 1982, is being withheld from public disclosure pursuant to 10 CFR 73.21. The withheld information is subject to

disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 27 to Facility Operating License No. DPR-34; and (2) the Commission's related letter to the licensee dated August 5, 1982. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Greeley Public Library, City Complex Building, Greeley, Colorado. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 5th day of August 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-23052 Filed 8-23-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Issuance of Amendments, Facility Operating License Nos. DPR-77 and DPR-79

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-77 and Amendment No. 6 to Facility Operating License No. DPR-79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee.

The amendments were authorized by telephone on August 3, 1982, and were confirmed by letter on August 4, 1982. The amendments delete the requirement for pressurizer relief tank level instrumentation. These amendments were issued on an expedited basis to permit Unit 2 to remain at 100 percent power and avoid any potential disruption of Unit 1 operations.

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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) environmental impact statements, or negative declarations and environmental impact appraisals need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated August 2, 1982, (2) Amendment No. 15 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes; (3) Amendment No. 6 to Facility Operating License No. DPR-79 with Appendix A Technical Specification page changes; and (4) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 15 and Amendment No. 6 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 17th day of August 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 82-23047 Filed 8-23-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 79 to Facility Operating License No. DPR-32 and Amendment No. 80 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specification for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to incorporate revised inservice surveillance requirements for snubbers, both mechanical and hydraulic.

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 these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 20, 1978, as supplemented April 28, 1981, May 24, 1982, and July 7, 1982, (2) Amendment Nos. 79 and 80 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. 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 17th day of August, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-23048 Filed 8-23-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-266-OLA]

Wisconsin Electric Power Co.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register** (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on

petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered:

Wisconsin Electric Power Company, Point Beach Nuclear Plant, Unit 1, Facility Operating Liense No. DPR-24.

This Board is being constituted pursuant to a notice published by the Commission on July 12, 1982, in the Federal Register (47 FR 30125-26) entitled, "Proposed Issuance of Amendment to Facility Operating License".

The Board is comprised of the following Administrative Judges:

Peter B. Bloch, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Hugh C. Paxton, 1229-41st Street, Los Alamos, New Mexico 87544

Dr. Jerry R. Kline, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Bethesda, Maryland, this 18th day of August, 1982.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-23049 Filed 8-23-82; 8:45 am]

BILLING CODE 7590-01-M

PRESIDENTIAL COMMISSION ON DRUNK DRIVING

Executive and Legislative Leadership Committee; Public Hearing

AGENCY: Presidential Commission on Drunk Driving.

ACTION: Notice of public hearing.

SUMMARY: The Education and Prevention Committee of the President's Commission on Drunk Driving is conducting a Public Hearing on September 8, 1982, to discuss educational approaches to the drunk driving problem.

DATE AND LOCATION: The hearing will be held on September 8, 1982 in the Gardner Auditorium at the State House, Beacon Street, Boston, Massachusetts, from 9:30 a.m. to 12 noon and 1 p.m. to 5 p.m.

SUPPLEMENTARY INFORMATION: The Committee is interested in receiving testimony from communication practitioners and the general public on how educational methods can be designed to bring about changes in societal attitudes and behavior concerning drunk driving. Specifically, the Committee recognizes that no one is in favor of drunk driving, yet programs to reduce the incidence of drunk driving have come and gone while the problem itself remains. Perhaps a part of the answer is that the general public has yet to mobilize as a constituency against drunk driving. The average person may be hesitant to do anything about the problem in his or her own social circle for one of the following reasons:

- Guilt and confusion about the issue.
- Reliance on official government programs.
- Reliance on "others" to do something.

Therefore, the Education and Prevention Committee is interested in recommendations on means of communicating with the public to address these issues and at the same time reinforce the desire of individuals to become involved in the solution through their personal action.

FOR FURTHER INFORMATION CONTACT: Charles F. Livingston, Policy Advisor, Presidential Commission on Drunk Driving, NES-1, Room 4109, 400 Seventh Street, S.W. Washington, D.C. 20590. (202) 426-1495.

Issued: August 19, 1982.

Eugene V. Lipp,

Executive Director, Presidential Commission on Drunk Driving.

[FR Doc. 82-23128 Filed 8-19-82; 4:40 pm]

BILLING CODE 4910-59-M

THE PRESIDENT'S ECONOMIC POLICY ADVISORY BOARD

Meeting

August 20, 1982.

The President's Economic Policy Advisory Board will meet on September 8, 1982, at the White House, Washington, D.C. from 10:00 am to 3:30 pm. The purpose of this meeting is to review and discuss:

(a) Economic Outlook and Financial Market Developments

(b) Problems and Prospects for International Lending.

"All agenda items concern matters listed in Section 552b(c) of Title 5, United States Code, specifically sub-paragraphs (1), (4), (8) and (9) thereof, and will be closed to the public."

For further information, please contact the Office of Policy Development, the White House, at (202) 456-6515.

Edwin L. Harper,

Assistant to the President for Policy Development.

[FR Doc. 82-23195 Filed 8-23-82; 8:45 am]

BILLING CODE 3195-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) Collection title: Statement of claimed railroad service.

(2) Form(s) submitted: UI-9, UI-23.

(3) Type of request: Extension.

(4) Frequency of use: On occasion.

(5) Respondents: Applicants for unemployment or sickness benefits under the RUIA.

(6) Annual responses: 2,350.

(7) Annual reporting hours: 295.

(8) Collection description: The statements obtain the current service and compensation of an employee not yet reported to the Board. The information is used to obtain verification of such service from railroad employers to provide unemployment and sickness benefits to qualified employees and extended benefits to those employees who have exhausted their normal benefits.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Milo Sunderhauf (202-395-6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

William A. Oczkowski,

Director of Planning and Information Management.

[FR Doc. 82-23028 Filed 8-23-82; 8:45 am]

BILLING CODE 7905-01-M

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each

work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning October 1, 1982, shall be at the rate of 17 cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning October 1, 1982, 21.6 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 78.4 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: August 16, 1982.

By Authority of the Board.

James T. Brown,

Chief Executive Officer.

[FR Doc. 82-23027 Filed 8-23-82; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

Executive Committee; Meeting

The Small Business Investment Incentive Act of 1980 [Pub. L. No. 96-477 (October 21, 1980)] directs the Securities and Exchange Commission to conduct an annual Government-Business Forum to review the current status of problems and programs relating to small business capital formation. The Executive Committee, comprised of appointees from several federal agencies and private sector organizations, will hold its third meeting on September 2, 1982 at 10:00 a.m., for purposes of planning the Forum. The Forum is scheduled for September 23-25, 1982. The meeting is to be held at the Securities and Exchange Commission, Room 1C30, 450 5th Street, NW., Washington, D.C., 20549 and will be open to the public.

For further information contact Daniel Abdun-Nabi at (202/272-2644).

George A. Fitzsimmons,

Secretary.

August 18, 1982.

[FR Doc. 82-23188 Filed 8-23-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22605; 70-6770]

Alabama Power Co.; Proposed Issuance and Sale of Short-Term Notes to Banks

August 13, 1982.

In the matter of Alabama Power Company, 600 North 18th Street, Birmingham, Alabama (70-6770).

Alabama Power Company ("Alabama"), an electric utility subsidiary of The Southern Company, a registered holding company, has filed a declaration pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(2) thereunder.

Alabama is currently negotiating the issue and sale from time to time, through September 30, 1983, of short-term notes to banks up to an aggregate principal amount at any one time outstanding of $300,000,000. The bank borrowings will be evidenced by notes to be dated the date of the borrowing and to mature not more than nine months after the date of issue. Domestic borrowings will be prepayable in whole or in part without penalty or premium.

On or prior to October 1, 1982, Alabama proposes to extend its Revolving Credit Agreement with a group of banks located outside the State of Alabama. This agreement presently extends to September 30, 1982. The proposed extension would provide a revolving line of credit for one year in an amount not to exceed $200,000,000 at any one time outstanding. A commitment fee (based on the unused portion of the commitment) at the rate of ½ of one percent per annum will be charged. The proposed agreement provides for domestic borrowings or Eurodollar borrowings, at the option of Alabama, at the time of each advance of funds.

On domestic borrowings, the interest rate is based upon a fluctuating interest rate per annum equal to 103% of the higher of (a) the rate of interest announced publicly by Citibank in New York from time to time as Citibank's base rate, or (b) ½ of one percent above the latest three-week moving average of secondary market morning offering rates in the United States for three-month certificates of deposit of major United States money market banks. Assuming full usage and a base rate of 15% at Citibank, the effective borrowing cost under the domestic borrowings option would be 15.70%.

On Eurodollar borrowings, the interest rate for each borrowing would be an interest rate per annum equal at all times during the term of such borrowing to 103% of the sum of the LIBOR for such term plus ½ of one percent. The LIBOR for each Eurodollar borrowing would be the rate per annum at which deposits in U.S. dollars are offered by the principal office of Citibank in London, England at 11:00 a.m. (London time) two business days before the date of such borrowing for a period equal to the term of such borrowing and in an amount substantially equal to the amount of such borrowing. Assuming full usage, a LIBOR of 13% and reserve requirements of 3% on all banks which are parties to the Revolving Credit Agreement, the effective borrowing cost under the Eurodollar borrowings option would be 14,56%.

For all borrowings, the interest rate will be ¼ of one percent higher than the rate determined above unless the first mortgage bonds of Alabama are upgraded to single A category by either of the two major rating agencies. The interest rate is increased by ½ (rather than ¼) of one percent per annum during a period when the first mortgage bonds of Alabama are downgraded below either the lowest Baa rating category at Moody's Investor Service, Inc. or BBB rating category at Standard & Poor's Corporation.

In addition to the proposed extension of the Revolving Credit Agreement, Alabama proposes to borrow from various other banks up to an aggregate principal amount at any one time outstanding of approximately $100,000,000. Each note evidencing such borrowings will bear interest at an effective rate per annum in effect at the lending bank customary for companies similar to Alabama, which, based upon a prevailing rate of 15% and the maintenance of compensating balances of 5% of amounts borrowed, would result in an effective borrowing cost of 15,79%.

As additional lines of credit are needed for the balance of the principal amount of borrowings for which authorization is sought, Alabama anticipates, although it cannot be assured, that such terms in connection therewith, would be similar to the current lines of credit. The terms of such borrowings will be filed by post-effective amendment and will require further authorization.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 7, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at

the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-23186 Filed 8-23-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12605; 812-5178]

Institutional Tax-Exempt Assets; Filing of an Application

August 17, 1982.

In the matter of Institutional Tax-Exempt Assets, 111 West Jackson Boulevard, Chicago, Illinois 60604 (812-5178).

Notice is hereby given that Institutional Tax-Exempt Assets ("Applicant"), registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified management investment company, filed an application on April 23, 1982, and amendments thereto on May 28, 1982, and July 26, 1982, requesting an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicant to the extent necessary: (1) from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to permit the Applicant to value in the manner described in the application certain rights to sell its portfolio securities to brokers, dealers, and banks, and to value its other portfolio securities according to the amortized cost valuation method, and (2) from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit Applicant to acquire the aforementioned rights from brokers and dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a Massachusetts business trust established on March 23, 1982. Its investment objective is to provide its unitholders, to the extent consistent with the preservation of capital and prescribed portfolio standards, with a high level of income exempt from federal income taxes. The application states that Applicant will initially offer a Short-Term Diversified Portfolio, but may create additional Portfolios. Applicant seeks the requested order to relate to the Short-Term Diversified Portfolio as well as to all additional money market fund Portfolios; however, Applicant does not seek the requested order to relate to any additional Portfolios that are not money market fund Portfolios.

The application states that with respect to the Short-Term Diversified Portfolio, Applicant seeks to achieve its investment objective by investing primarily in short-term obligations issued by or on behalf of states, territories, and possessions of the United States and the District of Columbia, and their political subdivisions, agencies, and instrumentalities, the interest on which is, in the opinion of bond counsel for the issuers, exempt from federal income tax ("municipal instruments"). The application further states that the Short-Term Diversified Portfolio may from time to time invest in certain short-term instruments, the interest on which is not exempt from federal income tax ("temporary investments"). The application states that temporary investments will consist exclusively of taxable instruments issued by or on behalf of municipal issuers, marketable securities issued or guaranteed as to principal and interest by the United States Government or by agencies or instrumentalities thereof, certificates of deposit and bankers' acceptances, and certain repurchase agreements pertaining thereto or to municipal instruments or other money market instruments.

Applicant states that it is designed primarily to provide convenient and economical means of investing funds held by banks or trust companies acting in a fiduciary, advisory, agency, custodial, or other similar capacity.

Applicant requests an order of the Commission, pursuant to Section 6(c) of the Act, to permit its assets to be valued according to the amortized cost method of valuation. In support of the relief requested, Applicant states its belief that its potential investors are vitally concerned that (1) the net asset value of their units remain stable; and (2) that the daily net income declared on their investment be steady and not exhibit the volatility which can occur when changes in market prices cause changes in yield on a daily or weekly basis.

The application states that the Applicant believes that by maintaining a portfolio of high quality municipal instruments of short maturities, it will be possible to provide the required stability to institutional investors. Applicant, with the advice of its investment adviser and based on the investment adviser's experience, has determined that maintaining an average portfolio maturity of 120 days or less will accomplish the aims of Applicant's investors by reducing the risk of significant volatility in the value of portfolio instruments and at the same time producing a yield commensurate with those available in the short-term money market. Applicant further represents that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 states further that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of this application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires portfolio instruments of "money market" funds which have more than 60 days remaining to maturity be valued with reference to market factors and (2) it would be generally inconsistent with the provisions of Rule 2a-4 for a "money market" fund to value such portfolio instruments on an amortized cost basis

(Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests an exemption from Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to use the amortized cost method to value its portfolio securities.

Applicant expressly agrees that the following conditions may be imposed in any order of the Commission granting the exemption requested:

1. In supervising Applicant's operations and in delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Trustees undertake—as a particular responsibility within the overall duty of care owed to Applicant's unitholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per unit, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per unit.

2. Included within the procedures to be adopted by Applicant's Trustees shall be the following:

(a) Review by the Trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per unit as determined by using available market quotations from Applicant's $1.00 amortized cost price per unit, and the maintenance of records of such review.[1]

(b) In the event such deviation from the Applicant's $1.00 amortized cost price per unit exceeds ½ of 1%, a requirement that the Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Trustees believe that the extent of any deviation from Applicant's $1.00 amortized cost price per unit may result in material dilution or other unfair results to investors or existing unitholders, the Trustees shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of units in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; reducing or withholding dividends; or utilizing a net asset value per unit was determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per unit; *provided*, however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity that exceeds 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition (1) above, and applicant will include in the minutes of Trustees' meetings and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Trustees determine present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement indicating whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any such action was taken, Applicant will describe the nature and circumstances of such action.

Applicant represents that in order to provide same-day redemption proceeds in federal funds, it must receive the redemption request by noon, Boston time. The funds needed to meet net redemptions must in turn be obtained the same day from maturing portfolio securities or settlements arranged that same day on sales of securities. Goldman, Sachs & Co., Applicant's investment adviser, has only a few hours in which to make these arrangements. In addition, regular settlement of sales of municipal instruments is effected on the fifth business day after the commitment to sell is entered into. Applicant represents that, unless prior arrangements assuring immediate liquidity have been made, the negotiation of same-day settlements on sales of portfolio securities within the brief time referred to above may be impossible or may require Applicant to receive a less favorable execution price on the sale even though the securities sold have a short remaining maturity (e.g., less than 30 days). Applicant further represents that other investment techniques used by taxable money-market funds to obtain liquidity are not normally available to itself because such techniques are prohibitively expensive or would produce taxable income.

Accordingly, to enable Applicant to assure same-day settlements on portfolio sales, and thereby facilitate the same-day payment of redemption proceeds in federal funds, Applicant proposes to adopt policies permitting the acquisition of puts from banks, brokers, and dealers. As described by the Applicant, when it purchases a municipal instrument from a bank, broker, or dealer, it may also acquire the option to sell the same principal amount of such security back to the institution at a specified price. Applicant states that such an option or right is sometimes referred to as an "optional delivery," or a "standby commitment," and is referred to in the application and herein as a "put." Applicant represents that the intended purpose of utilizing puts is solely to facilitate portfolio liquidity.

The puts may be exercisable by Applicant at any time prior to the maturity of the underlying security. Applicant's rights to exercise the puts will be unconditional and unqualified. Although the puts will not be transferable, municipal instruments purchased subject to the puts could be sold at any time even though the put was outstanding. Applicant states that the put will not obligate Applicant to sell the underlying securities to the issuer of the put nor entitle the issuer to

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Trustees in the exercise of their discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant states that it will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable. In addition, in fulfilling this condition, the maturity of a portfolio security shall not be considered shortened or otherwise affected by any put of the type described below to which such security is subject, and all such puts held by Applicant shall be valued at zero.

demand the return of the securities at its option, Applicant expects that a sale of the underlying securities to a third party would terminate Applicant's rights under the related put to sell the securities back to the issuer of the put. It is represented that puts acquired by the Applicant will be in writing and will be physically held by its custodian, State Street Bank and Trust Company.

The Applicant states that the exercise price of puts will be as follows: (i) Applicant's acquisition cost of the municipal instruments which are subject to the put (excluding any accrued interest that Applicant paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period Applicant owned the securities, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities were owned by Applicant. Applicant further states that, absent unusual circumstances, Applicant will value municipal instruments on an amortized cost basis as referred to above. Accordingly, Applicant represents that the amount payable by the issuer of a put during the time the put is exercisable will be substantially the same as the value of the underlying securities.

If necessary and advisable, Applicant states that it will pay for puts either separately in cash or by paying a higher price for the portfolio securities which are acquired subject to the put (thus reducing the yield to maturity otherwise available for the same securities). As a matter of policy, the total amount "paid" in either manner by Applicant for outstanding puts held in its Portfolios will not exceed ½ of 1% of the value of its total assets calculated immediately after any put is acquired.

Applicant states that the acquisition or exercisability of a put will not affect the valuation or assumed maturity of Applicant's underlying municipal instruments, which will continue to be valued on the basis of the amortized cost method. During the term of a put, Applicant states that it will be very difficult if not impossible to evaluate the likelihood of eventual exercise of the put or to quantify the potential benefit to Applicant if that put were exercised. In light of such uncertainties, Applicant states that it will deem put to have a "fair value" of zero, regardless of whether Applicant paid any direct or indirect consideration for the put. When Applicant pays for a put, its cost will be reflected as unrealized depreciation for the period during which the commitment is held by Applicant. Notwithstanding the foregoing, in calculating the dollar-weighted average maturity of Applicant's Portfolios, Applicant represents that puts will always be valued at zero, and the dollar-weighted average maturity will not be affected by the acquisition of the puts.

Applicant states that it believes there to be little risk of an event occurring that would make amortized cost valuation of its portfolio instruments inappropriate. However, Applicant states that in the unlikely event that the market or fair value of its portfolio instruments is not substantially equivalent to their amortized cost value, Applicant's Trustees may determine that the instruments should be valued on the basis of available market quotations. Applicant states that it expects that any puts covering such instruments would continue to be valued as described above because Applicant expects that it would refrain from exercising the puts to avoid imposing a loss on the bank, broker, or dealer and jeopardizing the business relationship with that entity.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In relevant part, Section 12(d)(3) of the Act prohibits any registered investment company from purchasing or otherwise acquiring any security issued by or any other interest in the business of any person who is a broker, a dealer, is engaged in the business of underwriting, or is an investment adviser. Therefore, Applicant also requests an order pursuant to Section 6(c) of the Act exempting it from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit its acquisition of puts from brokers or dealers.

Applicant states that it believes the requested relief to be appropriate in the public interest, and consistent with the protection of investors. Applicant states that the proposed acquisition of puts is not expected to affect Applicant's net asset value per unit for purposes of sales and redemptions for any of Applicant's portfolios and will not pose new investment risks, but will improve liquidity and Applicant's ability to pay redemption proceeds the same day in federal funds.

Applicant further states that it will enter into puts only with banks, brokers, and dealers which, in its investment adviser's opinion, are of satisfactory credit standing. Applicant asserts that in addition to the credit of these institutions, its rights under the puts will be secured to the extent of the value of the underlying municipal instruments that are subject to the puts. Therefore, Applicant states, the risk of loss is not qualitatively different from the risk of loss faced by any investment company which is holding securities pending settlement after having agreed to sell the securities in the ordinary course of business. Applicant states that its investment adviser intends to periodically evaluate the credit of institutions issuing puts to Applicant in accordance with current procedures used to evaluate the quality of the institution's short-term debt securities, including periodic review of the institution's assets, liabilities, contingent claims and other relevant financial information. Applicant states that it will not acquire puts to promote reciprocal practices, to encourage unit distribution efforts, or to obtain research services. Accordingly, Applicant believes that the acquisition of such puts will not meaningfully expose its assets to the entrepreneurial risks of the investment banking business, nor require Applicant to evaluate the credit of dealers in determining its net asset value.

Notice is further given that any interested person may, not later than September 10, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of such person's interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or such person may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is

ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-23190 Filed 8-23-82; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-6291]

LeaRonal, Inc.; Application to Withdraw From Listing and Registration

August 18, 1982

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of LeaRonal, Inc. ("Company") ($1 par value) is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on June 17, 1982, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before September 9, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-23191 Filed 8-23-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12603; 812-5155]

Merrill Lynch, Pierce, Fenner & Smith, Inc., et al.; Filing of Application

August 13, 1982.

In the matter of Merrill Lynch, Pierce, Fenner & Smith Incorporated; Dean Witter Reynolds Inc.; Bache Halsey Stuart Shields Incorporated; Shearson/American Express, Inc.; The Liberty Street Trust, First Corporate Monthly Payment Series (a unit Investment Trust) and Subsequent or Similar Series; and The Liberty Street Trust, First Municipal Monthly Payment Series and Subsequent or Similar Series, c/o Merrill Lynch, Pierce, Fenner & Smith Incorporated, One Liberty Plaza, 165 Broadway, New York, New York 10080 (812-51555).

Notice is hereby given that Merrill Lynch, Pierce, Fenner & Smith Incorporated, Dean Witter Reynolds, Inc., Bache Halsey Stuart Shields Incorporated and Shearson/American Express Inc. ("Sponsors"); and The Liberty Street Trust, First Corporate Monthly Payment Series (A Unit Investment Trust) and Subsequent or Similar Series ("Corporate Trust"), and The Liberty Street Trust, First Municipal Monthly Payment Series and Subsequent or Similar Series ("Municipal Trust") (together, "Trusts"), registered (or prospectively registered) under the Investment Company Act of 1940 ("Act") as unit investment trusts (the Sponsors and the Trusts are referred to hereinafter collectively as "Applicants"), filed an application on April 1, 1982, pursuant to Sections 6(c) and 11 of the Act for an order of the Commission (1) exempting the Trusts from the initial net worth requirements of Section 14(a) of the Act, (2) exempting Applicants from the provisions of Rule 19b-1 under the Act to permit the Trusts to make more than one distribution of capital gains in any one taxable year, and (3) approving certain offers of exchange and exempting Applicants from the provisions of Section 22(d) of the Act to permit such offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the format for each Trust will be substantially the same. Each series will be created by a separate trust indenture ("Indenture") between the Sponsors, a trustee ("Trustee") and an evaluator ("Evaluator"). It is stated that owner firms may sponsor future series of the Trusts in addition to or in substitution for the Sponsors, but if none of the Sponsors would remain a Sponsor as a result of any proposed substitution, the Sponsors will cause to be filed new registration statements under the Act concerning the Trusts. Applicants also state that different entities may be named Trustee for future Series.

Applicants further state that prior to the deposit of underlying securities ("Securities") in a series of a Trust, the Sponsors will purchase such Securities for an accumulation account. It is stated that Applicants contemplate that Securities accumulated for the portfolios of Corporate Trust will be primarily fixed-rate corporate obligations, without equity features, but separately identified series may be limited, for example, to particular ranges of maturities of debt obligations or be composed of cumulative non-convertible preferred stocks. It is proposed that such portfolios may also include a small portion of instruments issued or guaranteed by foreign entities, including foreign governments or their political subdivisions, meeting the credit and other criteria for such series. Applicants state that Securities accumulated for the portfolios of Municipal Trust will be debt obligations, the interest on which is exempt from Federal income taxation, but that separately identified series may be limited, for example, to particular ranges of maturities, or to debt obligations the interest on which is exempt from state or local taxation as well.

Applicants indicate the Securities for any series of a Trust are deposited with the Trustee in exchange for certificates representing units of fractional undivided interest ("Units"), which, upon effectiveness of the registration statement of a Trust under the Securities Act of 1933, are offered to the public separately through a final prospectus at the public offering price. It is represented that Applicants presently contemplate that in the initial public offering of each Monthly Payment Series, the public offering price will be computed on the basis of the offering side evaluation of the Securities, and will include a sales charge at the rate of 4.712% of such evaluation ("Public Offering Price"). Applicants also state that a proportionate share of any accrued but undistributed income on the

Securities is added to the Public Offering Price.

Applicants represent that while the Sponsors are not obligated to do so, it is their intention to maintain a secondary market for Units of each series.

In addition, Applicants state that the Sponsors intend to allow Unitholders to exchange Units of certain series of the Trusts for Units of certain other series of the Trusts, and of other Liberty Street Trusts, both present and future ("Exchange Funds"), on the basis of a reduced fixed sales charge per Unit ("Exchange Option"). Applicants note that while the structures of the Exchange Funds and their various series are very similar to each other in most respects, the respective investment objectives of the Exchange Funds may be different. Thus, it is stated, the primary objective of the Corporate Trust is income which is subject to Federal income taxation, and subgroupings of series of the Exchange Funds may have investment objectives which are slightly different, evidencing specialized investment objectives within certain general categories. Therefore, Applicants assert that the Exchange Option would have the effect of providing Unitholders of certain series of the Trusts with a convenient means of transferring interests as their investment requirements change into other series of the Exchange Funds, and would serve as an alternative to disposition of a Unitholder's interest, either in the secondary market or through redemption. Applicants state that the Sponsors intend to hold the Exchange Option open under most circumstances but that they reserve the right to modify, suspend, or terminate the Exchange Option at any time without further notice to Unitholders.

Applicants state that while it is anticipated that Units in most cases can be sold in the secondary market for an amount not less than the redemption price per Unit, Units may be submitted to the Trustee for redemption at any time out of the assets of the series at the redemption price per Unit as determined on any business day as of the evaluation time next following such tender.

Applicants state that the Sponsors may direct the Trustee to dispose of securities upon the occurrence of certain market or credit factors that in the opinion of the Sponsors would make the retention of such securities in a series detrimental to the interest of Unitholders or if the disposition of such securities is made desirable in the opinion of the Sponsors by the existence of certain other technical factors which will be described in the prospectus for the series. It is stated that the proceeds of any such disposition will be distributed to Unitholders except in the case of Corporate Trust Series, which may reinvest such sums in accordance with provisions of the indenture for each series.

Applicants further state that net investment income received by each Monthly Payment Series, less applicable expenses, will be distributed monthly on a pro rata basis to Unitholders of record as of the record date on the next following distribution day. It is stated that it is presently contemplated that each series will permit Unitholders, at their option, automatically to reinvest net income and any other distributions without sales charge in shares of certain open-end management investment companies. Applicants state that it is possible that future series of the Trusts may make different reinvestment provisions, or not make any provisions for reinvestment.

Section 14(a) of the Act requires that a registered investment company, prior to making a public offering of its securities, (1) have a net worth of at least $100,000, (2) have previously made a public offering and at that time have had a net worth of $100,000, or (3) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions. Rule 14a-3 under the Act provides that, subject to certain conditions, a registered unit investment trust engaged exclusively in the business of investing in "eligible trust securities" and any principal underwriter for such trust, is exempt from Section 14(a) of the Act with respect to a public offering of units of such trust.

Applicants indicate that they intend to comply in all respect with the terms of Rule 14a-3, except that they do not wish to restrict the portfolio investments of the Trusts to "eligible trust securities" as defined by the Rule. Rather, the Sponsors propose that a small portion of the portfolio of future series of Corporate Trust be invested in securities issued or guaranteed by foreign entities, securities which have interest rates which vary by fixed formulas (such as a fixed percentage of the prime rate of a particular bank), or which pay little or no current interest because they are issued on a discount basis. In addition, Applicants state that in the case of both Corporate Trust and Municipal Trust, portfolio investments may include previously issued units of other unit investment trusts having similar investment objectives and policies, such as The Corporate Income Fund ("CIF") and Municipal Investment Trust Fund ("MITF"), which are sponsored by one or more of the Sponsors. Applicants represent that in depositing other fund units in a series of either Trust, they will comply in all respects with the conditions which are presently in effect with regard to the deposit of other fund units in new series of CIF and MITF.

In support of their request for exemption from Section 14(a), Applicants state that various other unit investment trusts which have been sponsored by one or more of the Sponsors and have been granted exemptions of the type sought herein, have invested in securities other than those which are designated as "eligible trust securities" by Rule 14a-3. Applicants note that such other trusts have invested in variable rate instruments, zero coupon or discount debt securities, and securities issued by foreign entities—i.e., the types of securities (other than variable rate corporate instruments) which the Sponsors wish to acquire for the portfolios of the Trusts. With respect to investment by Corporate Trust in securities having variable or "floating" rates of interest, Applicants assert that corporate securities having interest rates which vary in accordance with a specified formula should not, generally speaking, be considered as involving a greater risk of repayment of principal or interest than floating rate municipal securities, and therefore a corporate instrument with a variable interest rate should not be regarded as an inappropriate investment for the portfolio of a unit investment trust such as Corporate Trust.

Applicants further state that the Sponsors are organizing the Trusts to be marketed in a manner which will better serve the requirements of independent broker-dealers. Therefore, Applicants state, it is the Sponsor's objective that the Securities of the Trusts include all of the various types of securities which have comprised the portfolios of unit investment trusts previously established by one or more of the Sponsors. Applicants conclude that if the Trusts were compelled to restrict their portfolios to "eligible trust securities" they would be unable to participate in attractive new investment opportunities, including those which are of a type which have been included in a number of previously issued unit investment trust series. Imposing such a restriction, it is also asserted, would not result in any significant increase in the protection of Unitholders.

Applicants state, in addition, that pertinent information concerning the Securities will be disclosed in the prospectus for each series of the Trusts. It is stated that the Sponsor's intent to

maintain a secondary market for Units of each series, as well as the background of the Sponsors in the securities industry, demonstrates that the creation of each series will be managed in a responsible way by responsible persons. Therefore, it is asserted, any requirement such as that of Section 14(a)(3) of the Act, that the Sponsors invest in $100,000 or more Units of each series under an investment letter representing that such Units are purchased for investment and not for resale to the public (or to make such a private placement to outside parties, which the Sponsors believe could only be done on a reduced load or no-load basis) will only increase the costs to the Sponsors of marketing Units.

Rule 19b–1(a) provides, as here pertinent, that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Rule 19b–1 (c) and (d) allow unit investment trusts which invest exclusively in "eligible trust securities" as defined in Rule 14a–3, to make more than one distribution in any one taxable year of capital gains derived in certain specified situations. Applicants submit, however, that the exemption afforded by Rule 19b–1(c) would not be applicable to the Trusts because it is proposed that the Trusts invest in other types of securities in addition to those defined by Rule 14a–3 as "eligible trust securities."

Applicants note that net investment income on most series of the Trusts will be distributed to Unitholders on a monthly basis. Applicants assert that it would be in the best interests of Unitholders to allow the Trusts to distribute capital gains as they occur together with monthly distributions of ordinary income. Applicants further state that distributions of capital to Unitholders are likely to occur only in the following instances: (1) an issuer may call or redeem Securities held in a series' portfolio, (2) Securities may be liquidated in order to provide the funds necessary to meet redemptions, and (3) Securities may be disposed of in the event of certain materially adverse credit developments, or, in the case of the Corporate Trust Series, in order to maintain the qualification of such Series as a regulated investment company under the Internal Revenue Code. Appliants note that in the instance of materially adverse credit developments, it is unlikely that any capital gains would result from the sale of a security following default, the institution of materially adverse legal proceedings, default upon documents governing the securities, or the occurrence of other adverse market or credit factors which in the opinion of the Sponsors would make retention of Securities in a series detrimental to the interests of Unitholders.

Applicants further note that the dangers against which Rule 19b–1 is intended to protect are not applicable in the case of Trusts because the events which might give rise to the realization of capital gains—such as the tendering of Units for redemption, the occurrence of certain adverse market or credit factors, and the need to maintain qualification as a regulated investment company under the Internal Revenue Code—will be substantially independent of any action taken by the Sponsors and the Trustees. Applicants also state that each regular income distribution per Unit will be fairly constant within a specified range and that any return of capital or any capital gains distribution will be clearly distinguished from income distributions in the accompanying report by the Trustee to Unitholders. Applicants assert that the presence in the portfolio of a series of either Trust of Securities which are not "eligible portfolio securities" such as obligations issued at a discount or having floating interest rates, or units of other funds which would prevent the Trust from relying upon the automatic exemption provided by Rule 19b–1(c) should have no effect on the likelihood or frequency of realization of long-term capital gains. Applicants note that, in the event that a series of either Trust were to acquire but one ineligible security, in order to comply with the literal requirements of Rule 19b–1(a), the series would be forced to hold any monies constituting capital gains from the disposition of any Securities until the end of its taxable year. Applicants contend that such a practice would clearly be to the detriment of Unitholders. They cite the exemption afforded by paragraph (b) of Rule 19b–1 permitting unit investment trusts to distribute capital gains dividends received from a regulated investment company within a reasonable time after receipt. Applicants assert that the purpose of this exemption is to avoid forcing a unit investment trust to accumulate valid distributions received thorughout the year until year end, and that the operations of the Trusts in this regard fall squarely within such purpose.

Section 11(c) of the Act prohibits any type of offer of exchange of the securities of a registered unit investment trust for the securities of any other investment company unless the terms of the offer have been approved by the Commission. Section 22(d) of the Act prohibits a registered investment company from selling any redeemable security issued by it except to or through a principal underwriter for distribution other than at the current public offering price described in its prospectus. Applicants state that none of the various exemptions from the provisions of Section 22(d) appear to apply to the proposed Exchange Option, and that Applicants would therefore be unable to proceed with the Exchange Option unless, pursuant to Sections 6(c) and 11 of the Act, the Commission approves the Exchange Option under the provisions of Section 11 and exempts Applicants from the provisions of Section 22(d) to permit them to effectuate sales pursuant to the Exchange Option.

Applicants represent that the Exchange Funds would include any series of any Liberty Street Trust, including the Trusts and any fund created in the future for which the normal sales charge is not less by more than 1% of the Public Offering Price than that applicable to The Liberty Street Trust with the highest sales charge. Applicants further state that each of the Exchange Funds will be registered as an investment company under the Act, sponsored by the Sponsors, and will be made up of one or more series of separate unit investment trusts registered under the Securities Act.

Applicants state that the Exchange Option would operate in a manner essentially identical to any secondary market transaction except that the Sponsors seek authority to allow a reduced sales charge on the acquisition of Units pursuant to an exchange. It is stated that the Sponsors will sell Units in other secondary market transactions at prices based on their bid side evaluation plus a sales charge of 5.820% of such evaluation, not to exceed $55 per Unit. The Sponsors propose to offer Units with the Exchange Option at prices based on the bid side evaluation plus a fixed charge of $15 per Unit except under certain circumstances. The Sponsors submit that this reduced charge of $15 per Unit (approximately 1.5% of the Public Offering Price) is justified by certain cost savings but reserve the right to change such fixed charge from time to time to the extent necessary to reflect fluctuations in the costs of professional assistance and operational expenses in connection with such transactions and to modify, suspend, or terminate the Exchange Option at any time without further notice to Unitholders. Only full Units, it

is stated, will be available under the Exchange Option; any excess of the sales price on Units submitted for exchange over the cost of the Units acquired (including the fixed charge) would be remitted to the Unitholder.

Applicants further state that in circumstances in which a Unitholder wishes to exchange Units purchased at a sales charge lower than that applicable to the series into which he wishes to convert, he may do so on the basis of the bid side evaluation, by paying a charge of $15 per Unit, provided that if he has held the Units to be exchanged for less than eight months, the charge per Unit to be acquired would be the greater of $15 per Unit or an amount which together with the initial sales charge paid on the Units being surrendered equals the sales charge applicable to the Units being acquired, determined as of the date of the exchange.

Applicants maintain that the requirement that a Unitholder in a series acquired at a lower sales charge than that applicable to direct purchase of Units to be acquired under the Exchange Option pay an adjusted sales charge for an exchange during the first eight months in which he has held the Units to be exchanged is appropriate in order to maintain the equitable treatment of the various investors in each series. Otherwise, it is stated, it would be possible under certain circumstances for a person to acquire Units of a series of an Exchange Fund with a lower sales charge and immediately convert such Units into other Units of the same Exchange Fund or Units of a series with a higher sales charge and pay a lower total sales charge than a person purchasing Units of such series directly. Applicants note, however, that under normal circumstances this situation is unlikely to occur, since the initial sales charge on direct purchases of Units of a series with a lower sales charge plus the conversion sales charge ($15 per Unit, or approximately 1.50 percent of the Public Offering Price) usually will exceed the sales charge related to direct purchases of Units with a higher sales charge. It is further stated, however, that if the price of the Units with the higher sales charge were to increase sharply, the $15 sales charge on an exchange could represent less than the difference between the lower sales charge and the higher sales charge, in which case the exchanging Unitholder could obtain an unfair price advantage in relation to investors making direct purchases of Units of the applicable series. However, after a Unitholder has held a Unit purchased at the lower sales charge for an adequate period of time (a proposed minimum of eight months), Applicants contend, the discriminatory effect of permitting the Unitholder to effect an exchange transaction at a reduced sales charge is not as acute.

Applicant assert that the Exchange Option sales charge of $15 achieves a major goal of passing on cost savings to investors, and yet fairly compensates brokers for their investment advice, financial planning and operational expenses. It is stated that the cost savings incident to initial investor solicitation can be passed on to the customer and adequate compensation for services rendered still provided to broker-dealers selling Units.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than September 7, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the respect. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commisssion thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-23185 Filed 82-23-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18975; SR-Phlx-81-1]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

August 17, 1982.

In the matter of The Philadelphia Stock Exchange, Inc., 1500 Market Street, Philadelphia, Pennsylvania 19103 (SR-Phlx-81-1).

The Philadelphia Stock Exchange, Inc. ("Phlx") submitted on January 13, 1981, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend existing Phlx rules 100, 201, 203 and 214 and to promulgate new Phlx Rules 500 through 505. The proposed amendments to Rules 100, 201, 203, and 214, combined with new Rule 500, would give to the Phlx Allocation, Evaluation and Securities Committee (the "Committee") the authority to administer new Rules 501 through 505. New rule 501 describes the criteria and procedures to be followed in the appointment of specialists and alternate specialists in equity securities and specialists and registered option traders in listed options. In addition, new Rule 501 would establish guidlines for the assignement of issues to specialists. New Rules 502 through 505 would establish standards for determining unsatisfactory specialist performance, and set forth the non-disciplinary procedures to be implemented in the event of unsatisfactory performance, including procedures for the reallocation of specialty securities.[1] As proposed,

[1] In its initial filing, Phlx indicated that the purpose of the procedures under proposed Rules 500 through 505 is to improve the quality of the Phlx marketplace through non-disciplinary reallocations. Such procedures are designed to permit the exchange to react quickly to indications of inadequate specialist performance by reallocating stocks or options from one specialist unit to another. The Phlx has further indicated that such procedures are not punitive and that the proposed rules would not replace or impair the exhange's authority to cancel a specialist's registration or impose other sanctions as part of a disciplinary action resulting from violations of Phlx rules. The Commission believes that the exchange's designation of Rules 501 through 505 as non-disciplinary is appropriate. *See* Securities Exchange Act Release No. 15827, May 15, 1979, 44 FR 29778, May 22, 1979 (order approving NYSE Rule 103A).

Rules 501 through 505 shall become effective on October 1, 1982, and shall continue in effect on a pilot basis for a period of two years from that date.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 17565, February 20, 1981) and publication in the **Federal Register** (46 FR 14511, February 27, 1981).[2] No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges. In particular, the Commission finds that the proposed rule change is designed to improve specialist performance, thereby fostering cooperation and coordination with persons engaged in facilitating transactions in securities and, in general, protecting investors and the public interest in a manner consistent with Section 6 of the Act. In that regard, the proposed rule change would appear to have the potential to provide an objective, even-handed system for the evaluation of specialist performance, and to give the exchange an adequate basis for reallocating stocks and options classes in instances of unsatisfactory specialist performance so as to improve exchange market making capabilities with respect to such stocks and options classes. The two-year operation of the pilot should provide the exchange, the Commission and the public an opportunity to evaluate the actual operation of the proposed rule change n light of these objectives and expectations.

In addition, the Commission finds that the proposed rule change is consistent with Section 11(b) of the Act and the rules and regulations thereunder which permit national securities exchanges to regulate the registration of specialists. Finally, the Commission finds that the proposed rule change, by providing incentives for improved specialist performance, has the potential for increasing competition among Phlx specialists and is, therefore, consistent with Section 6(b)(8) of the Act in that it does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-23189 Filed 8-23-82; 8:45 am]

BILLING CODE 8010-01-M

[2] The Phlx submitted two separate amendments to its initial filing. Amendment No. 1 added as a commentary to proposed Rule 501 the requirement that the Committee give written notice of and the basis for a decision to assign a security to a particular specialist, and included proposed Rule 506, which provided that proposed Rules 501 through 505 would be implemented as a two-year pilot program. Notice of Amendment No. 1 was given by issuance of a Commission Release (Securities Exchange Act Release No. 17847, June 5, 1981) and by publication in the **Federal Register** (46 FR 30950, June 11, 1981). Amendment No. 2 provided a definition of "unsatisfactory performance" as used in proposed Rules 503 and 504 concerning the procedures to be used in the event of unsatisfactory specialist performance. Notice of Amendment No. 2 was given by issuance of a Commission Release (Securities Exchange Act Release No. 18868, July 6, 1982) and by publication in the **Federal Register** (47 FR 30344, July 13, 1982).

[Release No. 18963; SR-CBOE-80-16]

Chicago Board of Options Exchange, Inc.; Order Extending Partial Approval of Proposed Rule Change on a Summary and Temporary Basis

August 16, 1982.

In the matter of Chicago Board of Options Exchange, Incorporated, LaSalle at Jackson, Chicago, IL 60604 (SR-CBOE-80-16).

On June 9, 1980, the Chicago Board of Options Exchange, Incorporated ("CBOE"), filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change to modify its operations and procedures relating to options market makers. Among other things, the proposed rule change created a single class of market makers by eliminating supplemental appointments, increased the number of options classes in which market makers were permitted to have appointments, and established a new exchange committee responsibile for evaluating the performance of and taking disciplinary action against market makers.[1] The proposed rule change also required that a minimum number of contracts or percentage of transactions be executed by market makers in person.[2]

On February 12, 1981, the Commission, pursuant to Section 19(b)(20) of the Act, approved the proposed rule change.[3]

On April 13, 1981, Charles B. Clement, a member of the Chicago Board of Trade ("CBT") and a market maker on the CBOE, filed a petition for review of the Commission's approval order in the United States Court of Appeals for the Seventh Circuit.[4] On April 5, 1982 the Seventh Circuit vacated the Commission's order approving the proposed rule change and remanded the matter to the Commission.[5]

On May 11, 1982, the Commission reviewed the rule filing and approved, on a summary basis and for a 90-day period, those portions of the proposed rule change not in contention in the judicial proceeding.[6] The CBOE has requested an additional 60 days in which to file an amendment to the proposed rule change.[7] To give the CBOE additional time to file an amendment to the proposed rule change, and to permit the Commission to review such an amendment, the Commission has determined to extend for 90 days its temporary approval of those portions of the proposed rule change not in contention.

Interested person are invited to submit written data, views and arguments concerning those portions of the proposed rule change being approved on a temporary basis within 21 days from the date of publication of the submission in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Reference should be made to File No. SR-CBOE-80-16.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed changes which are filed with the Commission and all written

[1] Notice of the proposed rule change was published in Securities Exchange Act Release No. 16919 (June 24, 1980), 45 FR 43914 (1980).

[2] Subsequently, on July 9, 1980, the CBOE filed an amendment to the proposed rule change excluding certain closing transactions from the calculations of transactions required to be executed in person by market makers and requiring the recording of additional information on market maker orders. Notice of the amendment to the proposed rule change was published in the Securities Exchange Act Release No. 17012 (July 25, 1980), 45 FR 51325 (1980).

[3] Securities Exchange Act Release No. 17535 (February 12, 1981), 46 FR 13055 (1981).

[4] On April 14, 1981, Clement requested that the Commission stay its approval order pending a determination by the Court of Appeals on the issues presented in his petition. The Commission denied Clement's request in Securities Exchange Release No. 17815 (May 22, 1981).

[5] *Clement* v. *Securities Exchange Commission,* No. 81-1583 (7th Cir., April 5, 1982).

[6] *See* Securities Exchange Release No. 18727 (May 11, 1982).

[7] See letter Anne Taylor, Secretary and Associate General Counsel, CBOE, to Richard Chase, Division of Market Regulation, SEC (August 5, 1982).

communications relating to the proposed changes between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self regulatory organization.

It is therefore ordered, that the proposed rule change referenced above be, and it hereby is, approved for a period of 90 days from the date hereof.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-23187 Filed 8-23-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22604; (70-6754)]

Wheeling Electric Co.; Errata Notice Relating to Proposed Refinancing of Promissory Notes

August 13, 1982.

On August 10, 1982, this Commission issued a notice (HCAR No. 22599) relating to a request by the Wheeling Electric Company, P.O. Box 751, Wheeling, West Virginia 43215, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, for authority to refinance $22,000,000 aggregate principal amount of unsecured promissory notes by issuing a like amount of notes at a fixed rate of interest at any time until December 31, 1983. The notice stated that this rate of interest in no event would be greater than the prime rate on the date of issuance of the new notes. It is proposed, however, that such notes carry an interest rate no greater than the prime rate of Bankers Trust Company until October 31, 1983. Should refinancing occur thereafter, the maximum permissible interest rate would be 104% of such prime rate. In all other respects, the proposed transaction is as stated in the prior notice.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 7, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-23184 Filed 8-23-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Small Business Investment Company; Maximum Annual Cost of Money To Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulations governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new section 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State Usury ceilings, and to its forfeiture and penalty provisions.

Effective September 1, 1982, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 13.215% per annum.

Dated: August 19, 1982.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 82-23132 Filed 8-23-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/545]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The SOLAS Subcommittee of the Shipping Coordinating Committee will conduct an open meeting at 9:30 a.m. on Sept. 23, 1982, in Room 3201 of the US Coast Guard Headquarters, 2100 2nd St., S.W., Washington, D.C. 20593.

The purpose of the meeting is twofold. First, to prepare position documents for the 49th Session of the International Maritime Organization (IMO) Legal Committee, to be held in London beginning on October 4, 1982. Second, to consider issues relating to a proposed International Convention on Liability and Compensation in connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention). The HNS Convention will be considered by a diplomatic legal conference to be held in early 1984.

At its 49th Session, the Legal Committee will consider proposals to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC) and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (Fund Convention). In particular the Legal Committee will address topics including:

—Extension of both conventions to vessels other than loaded oil tankers;
—Extension of both conventions to non-persistent oils;
—Extension of the geographical scope of both conventions;
—Appropriate levels of liability limitation;
—Periodic revision of limitation amounts;
—Relationship of revision instruments to existing conventions;
—Channeling liability to shipowners; and
—Conduct barring liability limitation.

The second topic to be taken up by the SOLAS Subcommittee is the draft HNS Convention. Among the issues to be addressed are:

—Whether the United States should support an HNS Convention;
—Whether liability should rest only with the shipowner, or be shared by the shipowner or shipper of hazardous substances;
—Appropriate levels of liability under

the convention
—Geographical scope of the convention;
—Whether the convention should cover bulk substances or bulk and packaged substances.

Members of the public may attend up to the seating capacity of the room. For further information on the CLC and Fund Conventions contact Mr. F. D. Presley, USCG (G-LMI/33), Washington, DC 20593, telephone (202) 426-1527. For further information concerning the HNS Convention contact Commander R. J. Reining, USCG (G-LMI/33), Washington, DC, telephone (202) 426-1527.

Dated: August 12, 1982.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 82-23174 Filed 8-23-82; 8:45 am]

BILLING CODE 4701-07-M

[Public Notice CM-8/546]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Safety of Navigation of SOLAS will conduct an open meeting at 9:30 a.m. on Monday, September 27, 1982 in Room 3201 of U.S. Coast Guard Headquarters, Transpoint Building, 2100 2nd St., SW., Washington, D.C. 20593.

The purpose of the meeting will be to prepare the U.S. position relating to the agenda items to be considered at the 27th Session of the Subcommittee on Safety of Navigation of the International Maritime Organization to be held in London October 11-15, 1982. The following items will be discussed:

—Routing of ships
—1972 collision regulations
—Search and rescue
—Ship movement reporting systems
—Accuracy requirements of radionavigation systems
—Shipboard navigational aids
—Bridge design and layout

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. T.J. Falvey, USCG (G-WWM), Washington, D.C. 20593. Telephone (202) 426-4958.

Dated: August 12, 1982.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 82-23176 Filed 8-23-82; 8:45 am]

BILLING CODE 4701-07-M

[Public Notice CM-8/544]

Shipping Coordinating Committee; Subcommittee on Safety at Sea; Notice of Meeting

The Working Group Radiocommunications of the Subcommittee on Safety of Life at Sea will conduct an open meeting September 15, 1982, at 12:30 P.M., in Room 8334-8336 of the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

The purpose of the meeting is to prepare position documents for the twenty-fifth session of the Subcommittee on Radiocommunications of the International Maritime Organization (IMO) to be held in London on December 13, 1982. In particular, the working group will discuss the following topics:

—Maritime Distress System
—Digital Selective Calling
—Matters related to the ITU WARC for Mobile Telecommunications
—Matters related to CCIR Study Group 8
—Shipboard navigational aids
—Sattelite EPIRB's

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. Richard Swanson, U.S. Coast Guard (G-TTP-3/63), Washington, D.C. 20593. Telephone (202) 426-1231.

Dated: August 5, 1982.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 82-23173 Filed 8-23-82; 8:45 am]

BILLING CODE 4701-07-M

[Public Notice CM-8/547]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The U.S. SOLAS Working Group on Stability, Load Lines and Safety of Fishing Vessels will conduct an open meeting on September 14, 1982, at 10:00 A.M., in room 1303 of the Coast Guard Headquarters, 2100 Second Street, SW, Washington, D.C. 20593.

The purpose of the meeting will be a review of the agenda items in preparation for the next Session of the Subcommittee (now scheduled for February 7-11, 1983).

The agenda for the meeting will consist of a general review of all items scheduled for the Subcommittee with particular attention to any session papers from other countries received by that time.

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. William A. Cleary, Jr., U.S. Coast Guard (G-MTH-5/TP13), 2100 Second Street, SW, Washington, D.C. 20593. Telephone: (202) 426-2188.

Dated: August 10, 1982.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 82-23172 Filed 8-23-82; 8:45 am]

BILLING CODE 4701-07-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ.: Public Debt Series—No. 21-82]

Treasury Notes of August 31, 1984, Series V-1984; Invitation for Tenders

August 19, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $6,500,000,000 of United States securities, designated Treasury Notes of August 31, 1984, Series V-1984 (CUSIP No. 912827 NN 8). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exhange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated August 31, 1982, and will bear interest from that date, payable on a semiannual basis on February 28 and August 31, 1983, and February 29 and August 31, 1984. They will mature August 31, 1984, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of

1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be accepted in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Savings time, Wednesday, August 25, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, August 24, 1982, and received no later than Tuesday, August 31, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Non-competitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds memebership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the bases of a 1/8 of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hunderd, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the Weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary consideres it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Tuesday, August 31, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governng United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, August 27, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 82-23230 Filed 8-20-82; 3:11 pm]

BILLING CODE 4810-40-M

Change in Membership of Senior Executive Service Performance Review Board.

ACTION: Notice of Change in Membership of a Senior Executive Service Performance Review Board.

SUMMARY: This notice announces the new membership of the Departmental PRB, pursuant to 5 U.S.C. 4314 (c)(4), the Civil Service Reform Act of 1978. The purpose of the Board is to review performance appraisals, ratings, recommendations for performance awards (also SES incentive awards and Presidential Ranks if requested), and other appropriate personnel actions for incumbents of non-delegated SES positions. These positions include SES bureau heads, deputy bureau heads, bureau chief inspectors, Associate Commissioners of the Internal Revenue Service, and certain other positions. The Board makes recommendations to the Secretary or his designee as Appointing Authority. In addition, the Board will perform PRB functions for other top bureau positions if requested. Three members constitute a quorm, at least two of whom must be career appointees.

FOR FURTHER INFORMATION CONTACT: David S. Burckman, Director of Personnel, Room 2426, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220; Telephone 566-2701.

SUPPLEMENTARY INFORMATION: The membership of the Departmental PRB which appeared in the **Federal Register**, Volume 45, page 28850, April 30, 1980, and Volume 44, page 62988, November 1, 1979, has been changed. The current membership is as follows:

Cora P. Beebe, Assistant Secretary (Administration)
Paul K. Trause, Inspector General
Angela Marie Buchanan, United States Treasurer
Paul H. Taylor, Fiscal Assistant Secretary
Gerald Murphy, Deputy Fiscal Assistant Secretary
Roscoe Egger, Commissioner, Internal Revenue Service
Roger W. Mehle, Assistant Director (Domestic Finance)
Robert J. Leuver, Assistant Director (Administration), Bureau of Engraving and Printing
Richard L. Gregg, Acting Deputy Commissioner, Bureau of the Public Debt
John A. Kilcoyne, Assistant Fiscal Assistant Secretary (Banking)
John P. Simpson, Director, Office of Regulations and Rulings, U.S. Customs Service
David E. Pickford, Executive Secretary, Office of the Executive Secretary
James I. Owens, Deputy Commissioner, IRS
Michael F. Hill, Director, Office of Revenue Sharing
William H. Russell, Comptroller, U.S. Customs Service
Diane Herrmann, Director, Office of Equal Opportunity Program

This notice does not meet the Department's criteria for significant regulations.

Cora P. Beebe,

Assistant Secretary (Administration).

[FR Doc. 82-23054 Filed 8-23-82; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 164
Tuesday, August 24, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION

Revised Agenda [1]

TIME AND DATE: 9:30 a.m., Wednesday, August 25, 1982.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Prednisone: Final PPPA Exemption*
The Commission will consider a final regulation to exempt certain prednisone drugs from the child-resistant packaging requirements of the Poison Prevention Packaging Act.
2. *FY 1984 Budget*
The Commission will consider the Agency's budget request for Fiscal Year 1984.

Closed to the public:

3. *Enforcement Matter OS #2086*
The Commission will consider issues related to enforcement matter OS #2086.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 342, 5401 Westbard Avenue, Bethesda, MD 20207; Telephone (301) 492–6800.

[S–1213–82 Filed 8–20–82; 11:57 am]

BILLING CODE 6355–01–M

2

FEDERAL ELECTION COMMISSION

[1199]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, August 26, 1982 at 10 a.m.

CHANGE IN MEETING: The following item has been added to this open meeting:

July 1982 Budget Execution Report

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Public Information Officer.

Marjorie W. Emmons,
Secretary of the Commission.

[S–1214–82 Filed 8–20–82; 11:57 am]

BILLING CODE 6715–01–M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

August 18, 1982.

TIME AND DATE: 10 a.m., Wednesday, August 25, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Consolidation Coal Company*, Docket No. WEVA 82–38–D. (Petition for Discretionary Review; Consideration of petition filed by United Mine Workers raising issues that include whether judge erred in dismissing a discrimination complaint).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–1217–82 Filed 8–20–82; 3:00 pm]

BILLING CODE 6735–01–M

4

POSTAL SERVICE

Board of Governors

On August 3, 1982, the Audit Committee of the Board of Governors of the United States Postal Service unanimously voted to close to public observation its meeting scheduled for September 9 and 10, 1982. The meeting is to consist of a discussion of the selection of an independent certified public accounting firm to certify the accuracy of Postal Service financial statements as required by 39 U.S.C. 2008(e), the selection of such firm being one of the matters that is reserved for decision by the Board of Governors under section 3.4 of the Bylaws of the Board (39 CFR 3.4).

The Audit Committee is of the opinion that public access to these discussions would be likely to disclose information relating to proposed Postal Service procurement activity. Accordingly, the Board has determined that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and section 7.3(i) of title 39, Code of Federal Regulations, this discussion is exempt because premature disclosure of information to be discussed would be likely significantly to frustrate implementation of future action in regard to the procurement of audit services. The Committee further determined that the public interest does not require that the Committee's discussion of this matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that, in his opinion, the meeting of the Audit Committee may properly be closed to public observation pursuant to section 552b(9)(B) of title 5, United States Code, and section 7.3(i) of title 39, Code of Federal Regulations.

Louis A. Cox,
Secretary.

[S–121182 Filed 8–20–82; 8:49 am]

BILLING CODE 7710–12–M

5

POSTAL SERVICE

(Board of Governors)

At its meeting of August 2, 1982, the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of its meeting scheduled for September 9, 1982. The portion of the meeting to be closed will involve a continuation of the discussion of the most recent general ratemaking proceeding (Docket No. R80–1) in the light of the July 9, 1982, Decision of the U.S. Court of Appeals for the Second Circuit in *Time, Inc. et al* v. *United States Postal Service*, the discussion having been commenced at the meeting of the Board on August 2, 1982, the latter meeting having likewise been closed to public observation pursuant to the unanimous vote of the Board. The September 9 m
expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Hughes, Jenkins, McKean, Sullivan, and Voss; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; and Counsel to the Governors Califano.

[1] Agenda revised August 19, 1982, to change the time of the meeting from 10:00 a.m. to 9:30 a.m., and to add items 1 and 3, which were initially scheduled for August 26, 1982.

The Board has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), in that it is likely to disclose information prepared for use in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39. The Board determined further that, pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and the initiation of a particular case involving a determination on the record after opportunity for a hearing. The Board of Governors has determined that the public interest does not require that the Board's discussion of this matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to section 552b(c) (3) and (10) of title 5 and section 410(c)(4) of title 39, United States Code, and sections 7.3 (c) and (j) of title 39, Code of Federal Regulations.

Louis A. Cox.,

Secretary.

[S–1212–82 Filed 8–20–82; 8:45 am]

BILLING CODE 7710–12–M

6

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting.

PLACE: Room 6059, 450 5th Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, August 12, 1982.

CHANGES IN THE MEETING: Additional meeting.

The following item was considered at a closed meeting scheduled on Wednesday, August 18, 1982, at 11:30 a.m.

Enforcement cases with foreign implications.

The following item was not considered at a closed meeting scheduled on Thursday, August 19, 1982, following the 10:00 a.m. open meeting.

Institution of injunctive action.

Chairman Shad and Commissioners Evans and Longstreth determined by vote that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bob Zutz at (202) 272–2091.

August 19, 1982.

[S–1215–82 Filed 8–20–82; 1:25 pm]

BILLING CODE 8010–01–M

federal register

Tuesday
August 24, 1982

Part II

Environmental Protection Agency

Electrical and Electronic Components Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 469

[OW-FRL 2142-6]

Electrical and Electronic Components Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed regulation.

SUMMARY: EPA is proposing regulations under the Clean Water Act to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works (POTWs) from semiconductor and electronic crystals manufacturing facilities. The purpose of this proposal is to provide effluent limitations for "best practicable technology," "best available technology," and "best conventional technology," and to establish new source performance standards and pretreatment standards. After considering comments received in response to this proposal, EPA will promulgate a final rule.

The preamble discusses the legal authority and background, the technical and economic data bases, and other aspects of the proposed regulations. Abbreviations, acronyms, and other terms used in the preamble are defined in Appendix A.

These proposed regulations are supported by three major documents available from EPA. Analytical methods are discussed in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants.* EPA's technical conclusions are detailed in the *Development Document for Effluent Limitations Guidelines and Standards for the Electrical and Electronic Component Point Source Category.* The Agency's economic analysis is found in *Economic Impact Analysis of Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category.*

DATE: Comments on this proposal must be submitted by October 25, 1982.

ADDRESS: Send comments to: Mr. David Pepson, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, Attention: Electrical and Electronic Components Rules. The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2402 (Rear) (EPA Library). The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Technical information and copies of technical documents may be obtained from the National Technical Information Service, Springfield, Virginia, 22161 (703/487-6000), or from Mr. David Pepson, at the address listed above. The economic analysis may be obtained from Ms. Renee Rico, Water Economics Branch (WH-586), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, or call (202) 426-2617.

SUPPLEMENTARY INFORMATION:

Organization of This Notice

I. Legal Authority
II. Background
  A. The Clean Water Act and NRDC Settlement Agreement
  B. General Criteria for Effluent Limitations
  C. Prior EPA Regulations
III. Scope of this Rulemaking and Summary of Methodology
IV. Data Gathering Efforts
V. Sampling and Analytical Program
VI. Industry Subcategorization and Description
VII. Available Wastewater Control and Treatment Technology
  A. Status of In-Place Technology
  B. Control Treatment Options
VIII. Selection of Treatment Options
IX. Pollutants and Subcategories Not Regulated
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XI. Financial Considerations
XII. Executive Order 12291 and Regulatory Flexibility Analysis
XIII. Non-Water Quality Aspects of Pollution Control
XIV. Upset and Bypass Provisions
XV. Variances and Modifications
XVI. Relationship to NPDES Permits
XVII. Solicitation of Comments
XVIII. List of Subjects in 40 CFR Part 469
XIX. Appendixes:
  A—Abreviations, Acronyms and Other Terms Used in this Notice
  B—List of Toxic Organics Comprising Total Toxic Organics (TTO)
  C—List of Toxic Pollutants Excluded from Regulation

I. Legal Authority

EPA is proposing the regulations described in this notice under the authority of Sections 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1251 *et seq.*, as amended by the Clean Water Act of 1977, P.L. 95-217) (the "Act"). These regulations also are proposed in response to the Settlement Agreement in *Natural Resources Defense Council, Inc.* v. *Train,* 8 ERC 2120 (D.D.C. 1976), modified, 12 ERC 1833 (D.D.C. 1979).

II. Background

A. The Clean Water Act

The Federal Water Pollution Control Act Amendments of 1972 established a comprehensive program to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters," Section 101(a).

- Section 301(b)(1)(A) set a deadline of July 1, 1977, for existing industrial direct dischargers to achieve "effluent limitations requiring the application of the best practicable control technology currently available" ("BPT").
- Section 301(b)(2)(A) set a deadline of July 1, 1983, for these dischargers to achieve "effluent limitations requiring the application of the best available technology economically achievable . . . which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants" ("BAT").
- Section 306 required that new industrial direct dischargers comply with new source performance standards ("NSPS"), based on best available demonstrated technology.
- Sections 307 (b) and (c) require pretreatment standards for new and existing dischargers to publicly owned treatment works ("POTW"). While the requirements for direct dischargers were to be incorporated into National Pollutant Discharge Elimination System (NPDES) permits issued under Section 402, the Act made pretreatment standards enforceable directly against dischargers to POTWs (indirect dischargers).
- Section 402(a)(1) of the 1972 Act does allow requirements for direct dischargers to be set case-by-case. However, Congress intended control requirements to be based for the most part on regulations promulgated by the Administrator of EPA.
- Section 304(b) required regulations that establish effluent limitations reflecting the ability of BPT and BAT to reduce effluent discharge.
- Sections 304(c) and 306 of the Act require regulations for NSPS.
- Sections 304(f), 307(b), and 307(c) require regulations for pretreatment standards.
- In addition to these regulations for designated industry categories, Section 307(a) required the Administrator to promulgate effluent standards applicable to all dischargers of toxic pollutants.
- Finally, Section 501(a) authorizes the Administrator to prescribe any

additional regulations "necessary to carry out his functions" under the Act.

The EPA was unable to promulgate many of these regulations by the deadlines contained in the Act, and as a result in 1976, EPA was sued by several environmental groups. In settling this lawsuit, EPA and the plaintiffs executed a "Settlement Agreement" which was approved by the Court. This agreement required EPA to develop a program and meet a schedule for controlling 65 "priority" pollutants and classes of pollutants. In carrying out this program EPA must promulgate BAT effluent limitations guidelines, pretreatment standards, and new source performance standards for 21 major industries. See *Natural Resources Defense Council, Inc.* v. *Train*, 8 ERC 2120 (D.D.C. 1976), modified, 12 ERC 1833 (D.D.C. 1979).

Several of the basic elements of the Settlement Agreement program were incorporated into the Clean Water Act of 1977. This law also makes several important changes in the Federal water pollution control program.

- Sections 301(b)(2)(A) and 301(b)(2)(C) of the Act now set July 1, 1984 as the deadline for industries to achieve effluent limitations requiring application of BAT for "toxic" pollutants. "Toxic" pollutants here includes the 65 "priority" pollutants and classes of pollutants which Congress declared "toxic" under Section 307(a) of the Act.
- Likewise, EPA's programs for new source performance standards and pretreatment standards are now aimed principally at controlling toxic pollutants.
- To strengthen the toxics control program, Section 304(e) of the Act authorizes the Administrator to prescribe certain "best management practices" ("BMPs"). These BMPs are to prevent the release of toxic and hazardous pollutants from: (1) Plant site runoff, (2) spillage or leaks, (3) sludge or waste disposal, and (4) drainage from raw material storage if any of those events are associated with, or ancillary to, the manufacturing or treatment process.

In keeping with its emphasis on toxic pollutants, the Clean Water Act of 1977 also revises the control program for non-toxic pollutants.

- For "conventional" pollutants identified under Section 304(a)(4) (including biochemical oxygen demand, suspended solids, fecal coliform and pH), the new Section 301(b)(2)(E) requires "effluent limitations requiring the application of the best conventional pollutant control technology" ("BCT")—instead of BAT—to be achieved by July 1, 1984. The factors considered in assessing BCT for an industry include the relationship between the cost of attaining a reduction in effluents and the effluents reduction benefits attained, and a comparison of the cost and level of reduction of such pollutants by publicly owned treatment works and industrial sources.

For those pollutants which are neither "toxic" pollutants or "conventional" pollutants, Sections 301(b)(2)(A) and (b)(2)(F) require achievement of BAT effluent limitations within three years after their establishment or by July 1, 1984, whichever is later, but not later than July 1, 1987.

The purpose of this proposed regulation is to establish BPT, BAT, and BCT effluent limitations and NSPS, PSES, and PSNS effluent standards for the Electrical and Electronic Components Point Source Category.

B. General Criteria for Effluent Limitations

1. BPT Effluent Limitations. The factors considered in defining best practicable control technology currently available (BPT) include: (1) The total cost of applying the technology relative to the effluent reductions that result, (2) the age of equipment and facilities involved, (3) the processes used, (4) engineering aspects of the control technology, (5) process changes, (6) non-water-quality environmental impacts (including energy requirements), (7) and other factors, as the Administrator considers appropriate. In general, the BPT level represents the average of the best existing performances of plants within the industry of various ages, sizes, processes, or other common characteristics. When existing performance is uniformly inadequate, BPT may be transferred from a different subcategory or category. BPT focuses on end-of-process treatment rather than process changes or internal controls, except when these technologies are common industry practice.

The cost/benefit inquiry for BPT is a limited balancing, committed to EPA's discretion, which does not require the Agency to quantify benefits in monetary terms. See e.g., *American Iron and Steel Institute* v. *EPA*, 526 F.2d 1027 (3rd Cir. 1975). In balancing costs against the benefits of effluent reduction EPA considers the volume and nature of existing discharges, the volume and nature of discharges expected after application of BPT, the general environmental effects of the pollutants, and the cost and economic impacts of the required level of pollution control. The Act does not require or permit consideration of water quality problems attributable to particular point sources, or water quality improvements in particular bodies of water. Therefore, EPA has not considered these factors. See *Weyerhaeuser Company* v. *Costle*, 590 F. 2d 1011 (D.C. Cir. 1978); *Appalachian Power Company et al.* v. *U.S.E.P.A.* (4th Cir., Feb. 8, 1972).

2. BAT Effluent Limitations. The factors considered in defining best available technology economically achievable (BAT) include the age of the equipment and facilities involved, the processes used, engineering aspects of the control technology, process changes, non-water-quality environmental impacts (including energy requirements), and the costs of applying such technology (Section 304(b)(2)(B)). At a minimum, the BAT level represents the best economically achievable performance of plants of various ages, sizes, processes, or other shared characteristics. As with BPT, uniformly inadequate performance within a category or subcategory may require transfer of BAT from a different subcategory or category. Unlike BPT, however, BAT may include process changes or internal controls, even when these technologies are not common industry practice.

The statutory assessment of BAT "considers" costs, but does not require a balancing of costs against effluent reduction benefits (see *Weyerhaeuser* v. *Costle, supra*). In developing the proposed BAT, however, EPA has given substantial weight to the reasonableness of costs. The Agency has considered the volume and nature of discharges, the volume and nature of discharges expected after application of BAT, the general environmental effects of the pollutants, and the costs and economic impacts of the required pollution control levels.

Despite this expanded consideration of costs, the primary factor for determining BAT is the effluent reduction capability of the control technology. The Clean Water Act of 1977 establishes the achievement of BAT as the principal national means of controlling toxic water pollution from direct discharging plants.

3. BCT Effluent Limitations. The 1977 Amendments added Section 301(b)(2)(E) to the Act establishing "best conventional pollutant control technology" (BCT) for discharges of conventional pollutants from existing industrial point sources. Conventional pollutants are those defined in Section 304(a)(4) [biochemical oxygen demand (BOD), total suspended solids (TSS), fecal coliform, and pH], and any additional pollutants defined by the

Administrator as "conventional" [oil and grease, 44 FR 44501, July 30, 1979].

BCT is not an additional limitation but replaces BAT for the control of conventional pollutants. In addition to other factors specified in section 304(b)(4)(B), the Act requires that BCT limitations be assessed in light of a two part "cost reasonableness" test. *American Paper Institute* v. *EPA*, 660 F.2d 954 (4th Cir. 1981). The first test compares the cost for private industry to reduce its conventional pollutants with the costs to publicly owned treatment works for similar levels of reduction in their discharge of these pollutants. The second test examines the cost-effectiveness of additional industrial treatment beyond BPT. EPA must find that limitations are "reasonable" under both tests before establishing them as BCT. In no case may BCT be less stringent than BPT.

4. New Source Performance Standards. The basis for new source performance standards (NSPS) under Section 306 of the Act is the best available demonstrated technology. New plants have the opportunity to design the best and most efficient processes and wastewater treatment technologies. Therefore, Congress directed EPA to consider the best demonstrated process changes, in-plant controls, and end-of-process treatment technologies that reduce pollution to the maximum extent feasible.

5. Pretreatment Standards for Existing Sources. Section 307(b) of the Act requires EPA to promulgate pretreatment standards for existing sources (PSES), which industry must achieve within three years of promulgation. PSES are designed to prevent the discharge of pollutants which pass through, interfere with, or are otherwise incompatible with the operation of POTWs.

The legislative history of the 1977 Act indicates that pretreatment standards are to be technology-based, analogous to the best available technology for removal of toxic pollutants. The General Pretreatment Regulations which serve as the framework for the proposed pretreatment standards are in 40 CFR Part 403, 46 FR 9404 (January 28, 1981).

EPA has generally determined that there is pass through of pollutants if the percent of pollutants removed by a well-operated POTW achieving secondary treatment is less than the percent removal by the BAT model treatment system. A study of 40 well-operated POTWs with biological treatment and meeting secondary treatment criteria showed that metals are typically removed at rates varying from 20 to 70%. POTWs with only primary treatment have enen lower rates of removal. In contrast, BAT level treatment being proposed for this industry for arsenic can achieve removal in the area of 86% or more. Thus, it is evident that arsenic passes through POTWs. As for toxic organics, data from the same POTWs illustrates a wide range of removal, from 0 to greater than 99%, whereas BAT for this category removes 98% of all toxic organics. Thus POTW's have removal rates of toxic organics which are less effective than BAT.

6. Pretreatment Standards for New Sources. Section 307(c) of the Act requires EPA to promulgate pretreatment standards for new sources (PSNS) at the same time that it promulgates NSPS. These standards are intended to prevent the discharge of pollutants which pass through, interfere with or are otherwise incompatible with a POTW. New indirect dischargers, like new direct dischargers, have the opportunity to incorporate the best available demonstrated technologies—including process changes, in-plant controls, and end-of-process treatment technologies—and to select plant sites that ensure the treatment system will be adequately installed. Therefore, the Agency sets PSNS after considering the same criteria considered for NSPS. PSNS will have environmental benefits similar to NSPS.

C. Prior EPA Regulations

No regulations have ever been proposed or promulgated for the Electrical and Electronic Components Category.

III. Scope of this Rulemaking and Summary of Methodology

EPA first studied the Electrical and Electronic Components Point Source Category to determine whether differences in raw materials, final products, manufacturing processes, equipment, age and size of plants, water usage, wastewater constituents, or other factors required the development of separate effluent limitations and standards for different segments of the category. This involved a detailed analysis of wastewater discharge and treated effluent characteristics, including: (1) The sources and volume of water used, the processes employed, and the sources of pollutants and wastewaters in the plant; and, (2) the constituents of wastewaters, including toxic pollutants.

EPA also identified several distinct control and treatment technologies (both in-plant and end-of-pipe), including those with the potential for use in the Electrical and Electronic Components Point Source Category. The Agency analyzed both historical and newly generated data on the performance of these technologies, including their non-water quality environmental impacts on air quality, solid waste generation, and energy requirements.

The cost of each control and treatment technology was estimated from unit cost curves developed by applying standard engineering analysis to wastewater characteristics. EPA derived the unit process costs by applying model plant wastewater characteristics to the unit cost curve of each treatment process.

Consideration of these factors enabled EPA to characterize the various control and treatment technologies as BPT, BCT, BAT, PSES, PSNS, and NSPS. The proposed regulations, however, do not require the installation of any particular technology. Rather, they require achievement of effluent limitations representative of the proper operation of these technologies or equivalent technologies.

IV. Data Gathering Efforts

In 1979–1980, under the authority of Section 308 of the Act, the Agency contacted by letter and phone approximately 260 plants producing electrical and electronic components. One hundred and five responses were used in the two subcategories for which EPA is proposing regulations. Self-monitoring data from these responses and from other Agency sources were used.

EPA and its contractors visited 78 electrical and electronic components plants in order to gather additional information on costs, production details and pollution control systems. The Agency also collected information on treatment systems not currently used in the industry. In collecting this information, EPA surveyed literature, contacted waste treatment equipment manufacturers and observed applicable treatment systems used by other industries.

Data for the economic analysis were obtained from published information, inquiries to waste treatment equipment manufacturers, and personal contacts with industry.

In addition to the foregoing data sources, supplementary data were obtained from NPDES permit files in EPA regional offices and contacts with state pollution control offices.

V. Sampling and Analytical Program

The sampling and analysis program for this rulemaking concentrated on the toxic pollutants designated in the Clean Water Act. However, conventional and

non-conventional pollutants were also sampled and analyzed. Both inorganic toxic and organic toxic pollutants were sampled for in the wastes from this industry. The Agency has not promulgated analytical methods for many of the organic toxic pollutants under section 304(h) of the Act, although a number of these methods have been proposed (44 FR 69464, December 3, 1979; 44 FR 75028, December 18, 1979). Additional information on the development of sampling and analysis methods for toxic organic pollutants is contained in the preamble to the proposed regulations for the Leather Tanning Point Source Category, 44 FR 38749, July 2, 1979.

EPA checked for the presence and magnitude of 65 toxic pollutants and classes of pollutants (as listed in the NRDC Consent Decree) and a smaller group of conventional and non-conventional pollutants suspected to be present in this industry's wastewaters. Sampled plants were selected to be representative of the manufacturing processes, the prevalent mix of production among plants, and the current treatment technology in the industry. During the sampling program, EPA sampled 38 plants under all subcategories. Twenty of these 38 plants were sampled in the two subcategories to be regulated.

Wherever possible, each sample of an individual raw waste stream, a combined waste stream, or a treated effluent was collected by an automatic, time series compositor during sampling periods as long as 72 hours. Where automatic compositing was not possible, grab samples were taken and composited manually.

EPA used the analytical techniques described in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants,* revised in April 1977. A very similar method is found among those proposed on December 3, 1979.

VI. Industry Subcategorization and Description

The Electrical and Electronic Components Point Source Category (E&EC) is derived from the Standard Industrial Classification (SIC) Major Group 36, Electrical and Electronic Machinery, Equipment and Supplies. Many of the industries listed under this SIC code were never evaluated as part of the E&EC category because EPA initially concluded that the wastewater discharges from these industries were primarily associated with the Metal Finishing Category.

For industries included in the E&EC study, the Agency has considered whether different effluent limitations and standards are appropriate for different segments of the Electrical and Electronic Components Point Source Category. The Act requires EPA to consider a number of factors to determine a basis for subcategorization, if subcategorization is needed. These include: Raw materials, final products, manufacturing processes, geographical location, plant size and age, wastewater characteristics, non-water quality environmental impacts, treatment costs, energy costs, and solid waste generation.

After considering the above factors, the Agency concluded that product type was an appropriate basis for subcategorization. Product type determines both the raw and process material requirements and the number and type of manufacturing processes used. Plants manufacturing the same product were found to have similar wastewater characteristics. Other factors affected the wastewater characteristics, but were not significant enough in themselves to be used as the basis for subcategorization.

Using product type as a basis, the Agency established twenty-one (21) subcategories for the E&EC category. Seventeen (17) of these subcategories are being excluded from regulation under Paragraph 8 of the Settlement Agreement, EPA proposes to defer two for regulation in future rulemakings, and two are the subject of this proposed regulations, Semiconductors and Electronic Crystals. (See Sections IX and X for a discussion of subcategories being excluded or deferred).

The semiconductor subcategory is comprised of 257 facilities; seventy-seven (77) are direct dischargers and 180 are indirect dischargers. The major pollutants found in this subcategory are toxic organics and fluoride. The electronic crystal subcategory consists of six (6) direct dischargers and 64 indirect dischargers with the major pollutants being toxic organics, fluoride, and total suspended solids (TSS). Arsenic is also found in significant concentrations at plants manufacturing gallium or indium arsenide crystals. The Development Document provides further background on decisions concerning subcategorization and on the make-up of the regulated subcategories.

VII. Available Wastewater Control and Treatment Technology

A. Status of In-Place Technology

This section describes the status of in-place technology for the two subcategories to be regulated by this rulemaking: Semiconductors and Electronic Crystals.

Wastewater treatment techniques currently used in the semiconductor and electronic crystal industries include both in-process and end-of-pipe waste treatment. In-plant process waste treatment is designed to remove pollutants from contaminated manufacturing process wastewater at some point in the manufacturing process. End-of-pipe treatment is wastewater treatment at the point of discharge.

In process controls in widespread use in both subcategories include collection of spent solvents for resale or reuse and treatment or contract hauling of the concentrated fluoride waste stream. Contract hauling, in this instance, refers to the industry practice of contracting with a firm to collect and transport wastes for off-site disposal. A few plants in these subcategories practice recycle of the dilute acid rinse stream.

End-of-pipe controls consist primarily of neutralization which is practiced by all direct dischargers in both subcategories. One plant in the electronic crystal industry also uses end-of-pipe precipitation/clarification for control of arsenic and fluoride. Further, all six (6) direct dischargers in the electronic crystal subcategory have already installed end-of-type neutralization and precipitation/clarification for control of pH, TSS, and fluoride.

B. Control Treatment Options

EPA considered the following treatment and control options for wastewater discharges from facilities within the semiconductor and electronic crystals subcategories. These options do not, in all cases, apply to both subcategories.

Option 1—Neutralization for pH control and solvent management for control of toxic organics. Solvent management is not a treatment system, but rather an in-plant control which consists of minor piping modifications to collect used solvents for resale or contract disposal. Since the spent solvents would not be discharged into the wastewater, toxic organic limitations based on this control would be equivalent to the maximum concentration of toxic organics found in the discharge as a result of process wastewater contamination. Process wastewater is the only other source of toxic organics for these subcategories.

Option 2—Option 1 plus end-of-pipe precipitation/clarification for treatment of arsenic, fluoride, and total suspended solids (TSS).

Option 3—Option 1 plus in-plant treatment (precipitation/clarification) of the concentrated fluoride stream.

Option 4—Option 2 plus recycle of the treated effluent stream to reduce fluoride further.

Option 5—Option 2 plus filtration for reduction of fluoride, arsenic, and suspended solids.

Option 6—Option 5 plus carbon adsorption to reduce toxic organic concentrations further.

VIII. Selection of Treatment Options and Effluent Limitations

A. Semiconductors

The technology basis for each effluent limitation and standard for the Semiconductor Subcategory is presented below along with the rationale for selecting the specific treatment option. The technologies and wastewater characteristics are discussed in more detail in the Development Document for this rulemaking.

1. BPT. EPA is proposing BPT based on Option 1 which consists of neutralization and solvent management. Solvent management is widely practiced and compliance by the remaining facilities will reduce the amount of toxic organics presently being discharged by approximately 80,000 kilograms per year. For the approximately twenty five percent (25%) of the facilities which do not already collect used solvents, compliance costs should be minimal because the solvents can be sold to reclaimers. Neutralization is practiced by all facilities subject to BPT and therefore facilities will not incur additional costs for compliance.

Toxic organics are being regulated as the total of all toxic organics found in the discharge at concentrations greater than 0.01 milligrams per liter. Toxic organics comprising the total are listed in Appendix A. The rationale for regulating toxic organics as a combined total is that many different solvents are used by the semiconductor subcategory and it would be very difficult, as well as costly, to collect sufficient data to limit the numerous individual toxic organic compounds resulting from the use of these solvents. As stated before, the limitation for total toxic organics (TTO) is based on the highest concentration of TTO found in the discharge from contaminated process wastewater.

The Agency is not proposing a 30 day average limitation for TTO. The proposed daily maximum limitation for TTO is based on solvent management which, unlike most treatment options, does not entail pollution control equipment and is therefore not subject to significant performance variations. Accordingly, there is no need to establish a 30 day average in addition to the daily maximum. Further EPA does not have sufficient data to establish a 30 day average limitation.

Since monitoring (i.e. periodic effluent sampling and analysis) for the numerous toxic organics comprising TTO could be very expensive, the Agency is proposing an alternative to the usual monitoring requirements. Facilities will be allowed to certify that spent solvents are not discharged into the wastewater, but rather are collected for contract disposal or for sale to reclaimers. *See* proposed 40 CFR 462.12 and 469.22. EPA invites comment on this approach and the certification language we are proposing.

Option 2 was not selected because, in the semiconductor subcategory, Option 3 can be substituted for and is also less expensive than Option 2. Fluoride in this industry is primarily generated from a particular process stream, hydrofluoric acid etching. Option 3 (in-plant treatment) treats the smaller volume, highly concentrated etching wastestream and eliminates the need for end-of-pipe treatment of all process wastewater (as in Option 2). Option 3 was not selected because it is more appropriately reserved for consideration under BAT. Options 4, 5, and 6 were not selected for the reasons provided under the BAT discussion.

2. BAT. For BAT, EPA is proposing limitations based on Option 3. This technology consists of neutralization and solvent management (Option 1) plus in-plant precipitation/clarification of the concentrated fluoride stream. These controls will result in greater pollutant removal than BPT by reducing the amount of fluoride presently being discharged by over 300,000 kilograms/year. Contract hauling of the concentrated fluoride stream is an acceptable alternative to treatment as a means of achieving compliance.

Option 4 (Option 1 plus end-of-pipe precipitation/clarification followed by recycle of the treated effluent) was not selected because very few facilities have been able to solve serious operational problems associated with recycling. Therefore Option 4 is not adequately demonstrated in this industry to serve as the basis of national limitations. However, facilities located in areas which experience water shortages are encouraged to investigate this technology option. Option 5 (Option 1 plus end-of-pipe precipitation/clarification followed by filtration) was not selected because it will only achieve a three (3) percent increase in fluoride reduction while at the same time significantly increasing treatment costs to the facilities. Option 6 (Option 5 plus carbon adsorption) was not selected because the vast majority of facilities practicing solvent management would not discharge treatable concentrations of toxic organics.

3. NSPS. For NSPS, the Agency is proposing limitations based on solvent management, neutralization, and precipitation/clarification of the concentrated fluoride stream (Options 1 and 3). These technologies are equivalent to BAT for control of toxic organics and fluoride, and BCT for control of pH. Other options were not selected because EPA has determined that they would not meet the statutory standard for NSPS. *See* the discussion of the technical problems presented under BAT.

4. BCT. For BCT, EPA is proposing to regulate pH based on the BPT technology since BPT achieves the maximum feasible control for pH. Since BPT is the minimal level of control required by law, no possible application of the BCT cost tests could result in BCT limitations lower than those proposed today. Accordingly, there is no need to wait until EPA revises the BCT methodology before proposing a BCT limitation for pH. There are no other conventional pollutants of concern in the semiconductor subcategory as discussed in Section IX.

5. PSES and PSNS. For PSES and PSNS, the Agency is proposing TTO (total toxic organics) limitations based on solvent management. Since biological treatment at POTWs does not achieve removal equivalent to BAT for TTO, pass through occurs. Accordingly, EPA is proposing PSES and PSNS based on technology equivalent to BPT/BAT for reduction of TTO. Solvent management is widely practiced by indirect dischargers and compliance by the remaining facilities will reduce present discharges of TTO by approximately 200,000 kilograms/year.

EPA is proposing to establish a July 1, 1984, compliance date for the above pretreatment standards. This date establishes the same lead time for compliance for both direct and indirect dischargers.

The Agency considered selecting Option 3 to control fluoride at the same levels as for BAT, but chose not to regulate fluoride for indirect dischargers. The Agency seeks comment on this decision.

B. Electronic Crystals

The technology basis for each effluent limitation and pretreatment standard for the Electronic Crystal Subcategory is presented below along with the rationale for selecting the specific

treatment option. The technologies and wastewater characteristics are discussed in more detail in the Development Document.

1. BPT. EPA is proposing BPT based on Option 2. This technology consists of Option 1 (solvent management and end-of-pipe neutralization) plus end-of-pipe precipitation/clarification. These technologies control pH, toxic organics, total suspended solids (TSS), fluoride, and arsenic. With the exception of solvent management which is practiced by approximately 75% of facilities, these treatment technologies have already been installed at all electronic crystal facilities subject to BPT. Therefore, since facilities can sell used solvents to reclaimers, compliance with BPT should result in minimal or no costs.

Arsenic is only being regulated at facilities which manufacture gallium or indium arsenide crystals. Total toxic organic limitations, rather than limitations on each toxic organic pollutant, will be set for the same reasons explained under BPT for the Semiconductor Subcategory.

Option 3 was not selected because this technology controls only one process stream, hydrofluoric acid etching, and, therefore, does not control the arsenic and TSS found in other wastestreams. Options 4, and 6 were not selected for reasons presented under BAT for the Semiconductor Subcategory. Option 5 was not selected for arsenic because the Agency has no data available to demonstrate that filtration will further reduce arsenic discharges. This option was also not selected for fluoride because, as previously stated under BAT for semiconductors, filtration would only reduce fluoride by three percent while significantly increasing the treatment costs to facilities.

2. BAT. For BAT, EPA is proposing limitations based on the BPT technology. Option 3 was not selected for the same reason presented above. Options 4, 5, and 6 were not chosen for reasons explained under BAT above.

3. BCT. For BCT, EPA is proposing to regulate pH and TSS based on the BPT technology. For pH, BPT is equal to BCT for the same reason discussed under the semiconductor subcategory. For TSS, the Agency considered the addition of filtration to BPT (Option 5), but rejected this technology option because of the minimal additional reduction of total suspended solids. Based on BPT, the average removal of TSS for each of the six (6) direct dischargers will be approximately 5400 kilograms per year. Filtration would only increase this amount by 100 kilograms per year (0.4 kg/day) or by less than two percent (2%). Since there is no other technology option which would remove significant amounts of TSS, EPA is setting BCT equal to BPT. Accordingly, there is no need to conduct the BCT cost test.

4. NSPS. For NSPS. EPA is proposing limitations based on solvent management, neutralization, and end-of-pipe precipitation/clarification. These technologies are equivalent to BAT for toxic pollutants plus fluoride, and are equivalent to BPT/BCT for conventional pollutants. Other options were not selected because, for reasons presented under BAT of the semiconductor and Electronic Crystals Subcategories, EPA has determined these options would not meet the statutory standard for NSPS.

5. PSES AND PSNS. Both TTO and arsenic will be removed to a greater extent by BAT than by biological treatment at POTWs. Therefore, PSES and PSNS are required to prevent pass through. For PSES and PSNS, EPA is proposing PSES and PSNS limitations based on solvent management, neutralization, and end-of-pipe precipitation/clarification (Option 2) for the facilities which manufacture gallium or indium arsenide crystals. For facilities which only manufacture other types of crystals, PSES and PSNS are based on solvent management (Option 1). Option 2 will assure control of arsenic in addition to control toxic organics.

Only three (3) facilities will need to install additional treatment for control of arsenic and the majority of facilities already practice solvent management. Facilities which do not presently collect used solvents should not experience significant compliance costs because the used solvents can be sold to reclaimers.

EPA is proposing to establish a July 1, 1984 compliance date for the above pretreatment standards. This date establishes the same lead time for compliance for both direct and indirect dischargers.

The Agency considered selecting Option 3 to control fluoride at the same levels as for BAT, but chose not to regulate fluoride for indirect discharges. The Agency seeks comment on this decision.

IX. Pollutants and Subcategories Not Regulated

A. Settlement Agreement

The Settlement Agreement contained provisions authorizing the exclusion from regulation, in certain circumstances, of toxic pollutants and industry categories and subcategories. These provisions have been rewritten in a Revised Settlement Agreement which was approved by the District Court for the District of Columbia on March 9, 1979, *NRDC* v. *Costle*, 12 ERC 1833.

Data supporting exclusion of the pollutants and subcategories identified below are presented in the Development Document for this rulemaking.

1. Exclusion of Pollutants. One hundred and two (102) toxic pollutants, listed in Appendix C, are being excluded from regualtion for both the semiconductor and elecronic crystal subcategories. The basis of exclusion for eighty-nine (89) of these pollutants is Paragraph 8(a)(iii) which allows exclusion for pollutants which are not detectable with state-of-the-art analytical methods. The basis of exclusion for another nine (9) of these pollutants is also provided by Paragraph 8(a)(iii) which allows exclusion of pollutants which are present in amounts too small to be effectively reduced. Four (4) toxic pollutants are being excluded from regulation because these pollutants are already subject to effluent limitations and standards being promulgated under the Metal Finishing Category. This is permitted by Paragraph 8(a)(i).

In addition to the exclusion of the one hundred two (102) pollutants for both subcategories, another toxic pollutant is being excluded for the semiconductor subcategory only. This pollutant is arsenic and is being excluded under Paragraph 8(a)(iii) because it was found in amounts too small to be effectively treated.

2. Exclusion of Subcategories. All subcategory exclusions are based on either paragraph 8(a)(i), previously described, or paragraph 8(a)(iv) of the Revised Settlement Agreement. Paragraph 8(a)(iv) permits exclusion of a category or subcategory where "the amount and the toxicity of each pollutant in the discharge does not justify developing national regulations * * *."

Subcategories being excluded under Paragraph 8(a)(iv) are as follows: Resistors, Dry Transformers, Fuel Cells, Magnetic Coatings, Mica Paper, Carbon and Graphite Products, Fluorescent Lamps, and Incandescent Lamps.

Subcategories being excluded because they are covered by the guidelines for the Metal Finishing Category are as follows: Switchgear, Resistance Heaters, Ferrite Electronic Parts, Insulated Wire and Cable, Fixed Capacitors, Fluid Filled Capacitors, Transformers (Fluid Filled), Insulated Devices—Plastics and Plastic Laminates, and the subcategory of Motors, Generators, and Alternators.

B. Conventional Pollutants

BOD, fecal coliform, and oil and grease are not being regulated for either subcategory because they were found at concentrations below treatability. Total suspended solids (TSS) is not being regulated in the case of semiconductors because it was found at an average concentration of 10 mg/l which is below treatability.

X. Subcategories Deferred

Two subcategories of the Electrical and Electronic Components Category are being deferred. These subcategories are Electron Tubes and Phosphorescent Coatings.

The information currently available to the Agency for these subcategories is insufficient not only to make a determination of the need for regulation, but also to accurately describe the wastewater characteristics. Preliminary data indicates that the major pollutants found in the discharges of Electron Tubes are cadmium, lead, and chromium. For Phosphorescent Coatings, preliminary data indicates that the major pollutants are lead and cadmium.

Both of the above subcategories are presently being studied by EPA.

XI. Financial Considerations

A. Costs and Economic Impacts

The Agency's economic impact assessment of this proposed regulation is presented in *Economic Analysis of Proposed Effluent Standards and Limitations for the Electrical and Electronic Components Category.* The analysis details the investment and annual costs for the two subcategories covered by the regulation—electronic crystals and semiconductors. The analysis also assesses the impact of effluent control costs in terms of profitability changes, plant closures, production changes, employment effects, and balance of trade effects.

EPA has identified 70 establishments in the electronic crystal subcategory and 257 plants in the semiconductor subcategory that are covered by this regulation. Total investment costs for the two subcategories are estimated to be $5.1 million with an annual cost of $3.3 million, including interest and depreciation. These costs are expressed in 1982 dollars, and were updated from 1979 dollars using the Construction Cost Index from the *Engineering News Record.* No plant closures or employment impacts are expected to occur as a result of this regulation. Each of the industry subcategories are discussed separately below.

Electronic Crystal Subcategory

All costs incurred by the electronic crystal subcategory arise from requirements of PSES. BPT, BCT, and BAT are expected to cause minimal additional costs because control technologies are already in place for all plants with the exception of a small number of plants which will need to control toxic organics. Control of toxic organics consists of minor piping modifications which allow facilities to collect used solvents. These solvents are typcially sold for reuse; therefore, any costs associated with their management tend to be equal to or less than the profit made by resale of the solvents. Further, as previously stated, most facilities (approximately seventy five percent) already practice solvent management.

Costs incurred by the PSES arise from treatment of arsenic resulting from processing operations. There are seven indirect dischargers that use arsenic in manufacturing crystals. Four of the seven plants already achieve the pretreatment standards and would incur no additional costs. Three plants must install additional treatment equipment. Investment costs for pollution control technologies are estimated to be $892 thousand with annual costs of $645 thousand. A plant specific analysis of these three establishments indicated that annual costs of compliance represent between 0.6% and 3.4% of the value of shipments. The economic analysis involved estimating return on sales, return on investment, and the ability to raise capital for the three plants. The profitabilities of the three plants may decline slightly as a result of the regulation, but any decline is not expected to cause plant closures or unemployment effects.

Regulations for new sources for all electronic crystal manufacturers are the same as those for existing sources. Thus, the required pollution control investment is not expected to discourage entry or result in a cost disadvantage relative to current manufacturers.

Semiconductors Subcategory

All costs to this subcategory will occur as a result of the BAT guidelines. Compliance with BPT, BCT, and PSES are expected to cause minimal additional costs because control technologies are already in place with the exception that a small number of plants will need to control toxic organics. As with the electronic crystals subcategory, the control of toxic organics is expected to result in minimal additional costs because most facilities already practice solvent management and because the solvents can be collected and sold for reuse. As stated previously, the profit made by resale of the solvents tends to be equal to or greater than the costs associated with solvent management.

There are an estimated 77 direct dischargers covered by the BAT fluoride control requirements. Twenty-five of these plants already have treatment in place or haul their fluoride waste to landfills. Investment and annual costs for the remaining 52 plants are estimated to be $4.2 million and $2.7 million respectively. Analysis of the post-compliance profitabilities of these plants indicates that there would be some minor profit reduction for all plants in the industry; however, no plant closures or unemployment effects are expected. The analyses also indicated that all of these costs would be absorbed by the industry, thereby causing no increases in the prices of semiconductor products.

Pollution control requirements for new sources are the same as for existing sources; thus, NSPS/PSNS are not expected to discourage entry or result in a cost disadvantage relative to current manufacturers.

XII. Executive Order 12291 and Regulatory Flexibility Analysis

Executive order 12291 requires EPA and other agencies to perform regulatory impacts analyses of major regulations. The primary purpose of the Executive Order (E.O.) is to ensure that regulatory agencies carefully evaluate the need for taking regulatory action. Major rules are those which impose a cost on the economy of $100 million a year or more or have certain other economic impacts. This regulation is not a major rule because its annualized cost of $3.3 million is less than $100 million and its meets none of the other criteria specified in paragraph (b) of the E.O.

Public Law 96–354 requires EPA to prepare an Initial Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. This analysis may be done in conjunction with or as a part of any other analysis conducted by the Agency. The economic impact analysis described above indicates that there will not be a significant impact on any segment of the regulated population, large or small. Therefore, a formal regulatory flexibility analysis is not required.

XIII. Non-Water Quality Aspects of Pollution Control

The elimination or reduction of one form of pollution may aggravate other environmental problems. Sections 304(b)

and 306 of the Act require EPA to consider the non-water quality environmental impacts of these regulations including air and noise pollution, radiation, solid waste generation, and energy requirements.

Compliance with the proposed regulation will have no effect on air, noise, or radiation pollution and will only result in minimal solid waste generation and minimal increased energy usage. The amount of solid waste generated per year will be 7700 metric tons per year. Available information indicates that the solid waste generated will not be hazardous as defined in the Resource Conservation and Recovery Act (RCRA). Energy requirements associated with these regulations will be 100,000 kilowatt-hours per year or only 7.5 kilowatt-hours per day per facility.

Based on the above non-water quality impacts from these regulations, EPA has concluded that the proposed regulation best serves overall national environmental goals.

XIV. Upset and Bypass Provisions

A recurring issue is whether industry limitations and standards should include provisions that authorize noncompliance during "upsets" or "bypasses." An upset, sometimes called an "excursion," is unintentional noncompliance beyond the reasonable control of the permittee. EPA believes that upset provisions are necessary, because upsets will inevitably occur, even if the control equipment is properly operated. Because technology-based limitations can require only what technology can achieve, many claim that liability for upsets is improper. When confronted with this issue, courts have been divided on the questions of whether an explicit upset or excursion exemption is necessary or whether upset or excursion incidents may be handled through EPA's enforcement discretion. Compare *Marathon Oil Co.* v. *EPA*, 564 F. 2d 1253 (9th Cir. 1977) with *Weyerhaeuser* v. *Costle, supra* and *Corn Refiners Association, et al.* v. *Costle*, No. 78-1069 (8th Cir. April 2, 1979). See also *American Petroleum Institute* v. *EPA*, 540 F. 2d 1023 (10th Cir. 1976); *CPC International, Inc.* v. *Train*, 540 F. 2d 1320 (8th Cir. 1976); *FMC Corp.* v. *Train*, 539 F.2d 973 (4th Cir. 1976).

Unlike an upset—which is an unintentional episode—a bypass is an intentional noncompliance to circumvent waste treatment facilities during an emergency.

EPA has both upset and bypass provisions in NPDES permits, and the NPDES portions of the Consolidated Permit regulations include upset and bypass permit provision. See 40 CFR Part 122.60, 44 FR 32854, 32862-3 (June 7, 1979). The upset provision establishes an upset as an affirmative defense to prosecution for violation of technology-based effluent limitations. The bypass provision authorizes bypassing to prevent loss of life, personal injury, or severe property damage. Since permittees in the semiconductor and electronic crystal subcategories are entitled to the upset and bypass provisions in NPDES permits, this proposed regulation does not repeat these provisions. Upset provisions are also contained in the General Pretreatment regulation.

XV. Variances and Modifications

When the final regulation for a point source category is promulgated, subsequent Federal and State NPDES permits to direct dischargers must enforce the effluent standards. Also, the pretreatment limitations apply directly to indirect dischargers.

The only exception to the BPT effluent limitations is EPA's "fundamentally different factors" variance. See *E. I. duPont de Nemours and Co.* v. *Train, supra; Weyerhaeuser Co.* v. *Costle, supra*. This variance recognizes characteristics of a particular discharger in the category regulated that are fundamentally different from the characteristics considered in this rulemaking. This variance clause is included in the NPDES regulations and not in this proposed regulation. See 40 CFR Part 125.30.

Dischargers subject to the BAT limitations are also eligible for EPA's "fundamentally different factors" variance. Further, BAT limitations *for nonconventional pollutants* may be modified under Sections 301(c) and 301(g) of the Act. These statutory modifications do not apply to toxic or conventional pollutants.

The economic modification section (301)(c)) gives the Administrator authority to modify BAT requirements for non-conventional pollutants[1] for dischargers who file a permit application after July 1, 1977, upon a showing that such modified requirements will (1) represent the maximum use of technology within the economic capability of the owner or operator and (2) result in reasonable further progress toward the elimination of the discharge of pollutants. The environmental modification section (301(g)) allows the Administrator, with the concurrence of the State, to modify BAT limitations for non-conventional pollutants from any point source upon a showing by the owner or operator of such point source satisfactory to the Administrator that:

(a) Such modified requirements will result at a minimum in compliance with BPT limitations or any more stringent limitations necessary to meet water quality standards;

(b) Such modified requirements will not result in any additional requirements on any other point or non-point source; and

(c) Such modification will not interfere with the attainment or maintenance of that water quality which shall assure protection of public water supplies, and the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities, in and on the water and such modification will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity or teratogenicity), or synergisitic propensities.

Section 301(j)(1)(B) of the Act requires that application for modifications under section 301(c) or (g) must be filed within 270 days after the promulgation of an applicable effluent guideline. Initial applications must be filed with the Regional Administrator and, in those States that participate in the NPDES program, a copy must be sent to the Director of the State program. Initial applications to comply with 301(j) must include the name of the permittee, the permit and outfall number, the applicable effluent guideline, and whether the permittee is applying for a 301(c) or 301(g) modification or both. Applicants interested in applying for both must do so in their initial application. For further details, see 43 FR 40859, September 13, 1978.

The non-conventional pollutant limited under BAT in this regulation is fluoride. No regulation establishing criteria for 301(c) and 301(g) determinations have been proposed or promulgated, but the Agency recently announced in the April 12, 1982, Regulatory Agenda plans to propose such regulations by December, 1982 (47 FR 15702). All dischargers who file an initial application within 270 days will be sent a copy of the substantive requirements for 301(c) and 301(g) determinations once they are promulgated. Modification determinations will be considered at the

[1] Section 301(1) precludes the Administrator from modifiying BAT requirements for any pollutants which are on the toxic pollutant list under section 307(a)(1) of the Act.

time the NPDES permit is being reissued."

Indirect dischargers subject to PSES are eligible for the "fundamentally different factors" variance and for credits for toxic pollutants removed by POTW. See 40 CFR 403.7; 403.13; 46 FR 9404 (January 28, 1981). Indirect dischargers subject to PSNS are only eligible for the credits provided for in 40 CFR 403.7. New sources subject to NSPS are not eligible for EPA's "fundamentally different factors" variance or any statutory or regulatory modifications. See *E.I. duPont de Nemours* v. *Train, supra.*

XVI. Relation to NPDES Permits

The BPT, BAT and BCT limitations and NSPS in this regulation will be applied to individual plants through NPDES permits issued by EPA or approved State agencies under Section 402 of the Act. Under the proposed regulation for the Electrical and Electronic Components Category, all limitations are concentration based. National mass based limitations are not provided because the Agency has determined that a fundamental relationship between production and pollutant loadings does not exist for either subcategory. See 40 CFR 122.63(f). Permitting authorities can derive mass based limitations by multiplying the concentration limit by the undiluted discharge flow.

The preceding section of this preamble discussed the binding effect of this regulation on NPDES permits, except when variances and modifications are expressly authorized. The following adds more detail on the relation between this regulation and NPDES permits.

One subject that has received different judicial rulings is the scope of NPDES permit proceedings when effluent limitations and standards do not exist. Under current EPA regulations, States and EPA regions that issue NPDES permits before regulations are promulgated must do so on a case-by-case basis. This regulation provides a technical and legal base for new permits.

Another issue is how the regulation affects the authority of those that issue NPDES permits. EPA has developed the limitations and standards in this regulation to cover the typical facility for this point source category. In specific cases, the NPDES permitting authority may have to establish permit limits on toxic pollutants that are not covered by this regulation. This regulation does not restrict the power of any permit-issuing authority to comply with law or any EPA regulation, guideline, or policy. For example, if this regulation does not control a particular pollutant, the permit issuer may still limit the pollutant on a case-by-case basis, when such action conforms with the purposes of the Act. In addition, if State water quality standards or other provisions of State or Federal law require limits on pollutants not covered by this regulation (or require more stringent limits on covered pollutants), the permit-issuing authority *must* apply those limitations.

A final topic of concern is the operation of EPA's NPDES enforcement program, which was an important consideration in developing this regulation. The Agency emphasizes that although the Clean Water Act is a strict liability statute, EPA can initiate enforcement proceedings at its discretion (Sierra Club v. Train, 557 F. 2d 485, 5th Cir., 1977). EPA has exercised and intends to exercise that discretion in a manner that recognizes and promotes good-faith compliance and conserves enforcement resources for those who fail to make these good-faith efforts.

XVII. Solicitation of Comments

EPA invites and encourages public participation in this rulemaking. The Agency asks that comments address specific deficiencies in the record of this proposal and that suggested revisions or corrections be supported by data.

EPA particularly requests additional comments and information on the following issue: As part of the economic impact analysis for this rulemaking, the Agency has stated that facilities will incur minimal, if any, costs for complaince with the total toxic organics (TTO) limitation. The rationale for this statement is that: (1) Information shows that many facilities can sell spent solvents to reclaimers, and (2) the Agency is not requiring nonitoring where facilities certify that they are not dumping spent solvents.

EPA urges facilities to comment on the accuracy of the Agency's finding that compliance with the TTO limitation will have minimal, if any, economic impact on facilities.

We would also appreciate any available information and data regarding the occurrence of health and environmental problems associated with fluoride originating from direct dischargers in the semiconductor and/or electronic crystals industry.

The regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

List of Subjects in 40 CFR 469

Electrical and electronic products, Water pollution control, Waste treatment and disposal.

Dated August 11, 1982.

John W. Hernandez, Jr.,

Acting Administrator.

XVIII. List of Subjects in 40 CFR Part 469

Electrical and electronic equipment, Water pollution control, Waste treatment and disposal.

XIX. Appendixes

Appendix A.—Abbreviations, Acronyms, and Other Terms Used in This Notice

Act—The Clean Water Act.

Agency—The U.S. Environmental Protection Agency.

BAT—The best available technology economically achievable under Section 304(b)(2)(B) of the Act.

BCT—The best conventional pollutant control technology, under Section 304(b)(4) of the Act.

BMP—Best management practices under Section 304(e) of the Act.

BPT—The best practicable control technology currently available under Section 304(b)(1) of the Act.

Clean Water Act—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 *et seq.*), as amended by the Clean Water Act of 1977 (Public Law 95-217).

Direct Discharger—A facility which discharges or may discharge pollutants into waters of the United States.

Indirect Discharger—A facility which discharges or may discharge pollutants into a publicly owned treatment works.

NPDES Permit—A National Pollutant Discharge Elimination System permit issued under Section 402 of the Act.

NSPS—New source performance standards under Section 306 of the Act.

POTW—Publicly owned treatment works.

PSES—Pretreatment standards for existing sources of indirect discharges under Section 307(b) of the Act.

PSNS—Pretreatment standards for new sources of direct discharges under Sections 307 (b) and (c) of the Act.

RCRA—Resource Conservation and Recovery Act (Pub. L. 94-580) of 1976, Amendments to Solid Waste Disposal Act.

Appendix B.—List of Toxic Organics Comprising Total Toxic Organics (TTO)

1,2,4 trichlorobenzene
chloroform
1,2 dichlorobenzene
1,3 dichlorobenzene
1,4 dichlorobenzene
ethylbenzene
1,1,1 trichloroethane
methylene chloride
napthalene
2 nitrophenol
phenol
bis(2-ethylhexyl) phthalate
tetrachloroethylene
toluene
trichloroethylene
2 chlorophenol
2,4 dichlorophenol
4 nitrophenol
pentachlorophenol
di-n-butyl pthalate
anthracene
1,2 diphenylhydrazine
isophorone
butyl benzyl phthalate
1,1 dichloroethylene
2,4,6 trichlorophenol

Appendix C.—List of Pollutants Excluded From Regulation

The following nine (9) pollutants are being excluded under Paragraph 8(a)(iii) because they are present in amounts too small to be effectively reduced: antimony, beryllium, cadmium, mercury, selenium, silver, thallium, zinc, and cyanide.

The following four (4) pollutants are being excluded under Paragraph 8(a)(i) because they are already subject to effluent limitations and standards being promulgated under the Metal Finishing Category: lead, nickel, copper, and chromium.

The following eighty-nine pollutants are being excluded under Paragraph 8(a)(iii) because they were not detected in the effluent.

1 acenaphthene
2 acrolein
3 acrylonitrile
4 benzene
5 benzidine
6 carbon tetrachloride
7 chlorobenzene
8 hexachlorobenzene
9 1,2-dichloroethane
10 hexachloroethane
11 1,1-dichloroethane
12 1,1,2-trichloroethane
13 1,1,2,2-tetrachloroethane
14 chloroethane
15 bis(chloromethyl) ether
16 bis(2-chloroethyl) ether
17 2-chloroethylvinyl ether
18 2-chloronaphthalene
19 parachlorometa cresol
20 3,3'-dichlorobenzidine
21 1,2-trans-dichloroethylene
22 1,2-dichloropropane
23 1,2-dichloropropylene
24 2,4-dimethylphenol
25 2,4-dinitrotoluene
26 2,6-dinitrotoluene
27 fluorathene
28 4-chlorophenyl phenyl ether
29 4-bromophenyl phenyl ether
30 bis(2-chloroisopropyl) ether
31 bis(2-chloroethoxy) methane
32 methyl chloride
33 methyl bromide
34 bromoform
35 dichlorobromomethane
36 trichlorofluoromethane
37 dichlorodifluoromethane
38 chlorodibromomethane
39 hexachlorobutadiene
40 hexachlorocyclopentadiene
41 nitrobenzene
42 2,4-dinitrophenol
43 4,6-dinitro-o-cresol
44 N-nitrosodimethylamine
45 N-nitrosodiphenylamine
46 N-nitrosodi-n-propylamine
47 di-n-octyl phthalate
48 diethyl phthalate
49 dimethyl phthalate
50 benzo(a)anthracene
51 benzo(a)pyrene
52 3,4-benzofluorathene
53 benzo(k)fluoranthane
54 chrysene
55 acenaphthylene
56 benzo(ghi)perylene
57 fluorene
58 phenanthrene
59 dibenzo(a,h)anthracene
60 ideno(1,2,3-cd)pyrene
61 pyrene
62 2,3,4,8-tetrachlorodibenzo-p-dioxin
63 vinyl chloride
64 aldrin
65 dieldrin
66 chlordane
67 4,4'-DDT
68 4,4'-DDE
69 4,4'-DDD
70 a-endosulfan-Alpha
71 b-endosulfan-Beta
72 endosulfan sulfate
73 endrin
74 endrin aldehyde
75 heptachlor
76 heptachlor epoxide
77 a-BHC-Alpha
78 r-BHC-Beta
80 g-BHC-Delta
81 PCB-1242
82 PCB-1254
83 PCB-1221
84 PCB-1232
85 PCB-1248
86 PCB-1260
87 PCB-1016
88 toxaphene
89 asbestos

For the reasons stated above, EPA proposes to add Part 469 to 40 CFR, Chapter I as follows:

PART 469—ELECTRICAL AND ELECTRONIC COMPONENTS POINT SOURCE CATEGORY

Subpart A—Semiconductor Subcategory

Sec.
469.10 Applicability; description of the semiconductor subcategory.
469.11 Specialized definitions.
469.12 Monitoring requirements.
469.14 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
469.15 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
469.16 Pretreatment standards for existing sources (PSES).
469.17 New source performance standards (NSPS).
469.18 Pretreatment standards for new sources (PSNS).
469.19 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT).

Subpart B—Electronic Crystals Subcategory

469.20 Applicability; description of the electronic crystals subcategory.
469.21 Specialized definitions.
469.22 Monitoring requirements.
469.24 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
469.25 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
469.26 Pretreatment standards for existing sources (PSES).
469.27 New source performance standards (NSPS).
469.28 Pretreatment standards for new sources (PSNS).
469.29 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT).

Authority: Secs. 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977, 33 U.S.C. 1311, 1314, 1316, 1317, 1318, and 1361; 86 Stat. 816, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217.

Subpart A—Semiconductor Subcategory

§ 469.10 Applicability.

(a) The provisions of this subpart are applicable to discharges resulting from the manufacture of semiconductors.

(b) The compliance deadline for the BAT fluoride limitation shall be 3 years from the date of promulgation. The compliance deadline for the BAT, BCT and PSES TTO and pH limitations and standards, where appropriate, shall be July 1, 1982.

§ 469.11 Specialized definitions.

The definitions in 40 CFR 401 and the chemical analysis methods in 40 CFR 136 apply to this subpart. In addition,

(a) The term "total toxic organics (TTO)" shall mean the sum of the concentrations for each of the following toxic organic compounds which is found in the discharge at a concentration greater than ten (10) micrograms per liter:

```
1,2,4  trichlorobenzene
       chloroform
  1,2  dichlorobenzene
  1,3  dichlorobenzene
  1,4  dichlorobenzene
       ethylbenzene
1,1,1  trichloroethane
       methylene chloride
       napthalene
     2 nitrophenol
       phenol
       bis(2-ethylhexyl) phthalate
       tetrachloroethylene
       toluene
       trichloroethylene
     2 chlorophenol
   2,4 dichlorophenol
     4 nitrophenol
       pentachlorophenol
       di-n-butyl pthalate
       anthracene
  1,2  diphenylhydrazine
       isophorone
       butyl benzyl phthalate
  1,1  dichloroethylene
2,4,6  trichlorophenol
```

(b) The term "semiconductors" shall mean solid state electrical devices which perform functions such as processing and display, power handling, and interconversion between light enegy and electrical energy.

§ 469.12 Monitoring requirements.

(a) In lieu of monitoring for TTO, the permit authority may allow direct dischargers to include the following certification as a "comment" on the Discharge Monitoring Report required by § 122.62(i): "I certify that, since filing the last discharge monitoring report, toxic organic compounds have not entered the wastewater in quantities that will exceed the discharge limits for TTO". In requesting this alternative procedure, the discharger shall specify the toxic organic compounds used and the procedures used (e.g., sold to reclaimers) to prevent excessive wastewater discharge of toxic organics. If monitoring is necessary to measure compliance with the TTO standard, it may be limited to toxic organics likely to be present.

(b) In lieu of monitoring for TTO, the control authority may allow industrial users of POTWs to make the following certification as a comment to the periodic reports required by § 403.12(e): "I certify that, since filing the last periodic report, toxic organic compounds have not entered the water in quantities that will exceed the discharge limits for TTO". In requesting this alternative procedure, the discharger shall specify the toxic organic compounds used and the procedures used (e.g., sold to reclaimers) to prevent excessive wastewater discharge of toxic organics. If monitoring is necessary to measure compliance with the TTO standard, it may be limited to toxic organics likely to be present.

§ 469.13 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR Part 125.30–32 any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	0.47	.....
pH	([2])	([2])

[1] Total toxic organics.
[2] Within the range of 6.0 to 9.0.

§ 469.14 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR Part 125.30–32 any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	0.47	.....
Fluoride (T)	32.0	17.4

[1] Total toxic organics.

§ 469.15 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR Parts 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES).

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	0.47	.....

[1] Total toxic organics.

§ 469.16 New source performance standards (NSPS).

Any new source subject to this subpart must achieve the following new source performance standards (NSPS).

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	0.47	.....
Fluoride (T)	32.0	17.4
pH	([1])	([2])

[1] Total toxic organics.
[2] Within the range of 6.0 to 9.0.

§ 469.17 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR Part 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must

comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	0.47	

[1] Total toxic organics.

§ 469.18 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT).

Except as provided in 40 CFR Part 125.30–32 any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
Ph	(1)	(1)

[1] Within the range 6.0 to 9.0.

§ 469.20 Applicability.

(a) The provisions of this subpart are applicable to discharges resulting from the manufacture of electronic crystals.

(b) The compliance deadline for the BAT fluoride limitation shall be three years from the date of promulgation. The compliance date for the BAT and PSES, arsenic and TTO limitations and standards and the BCT limitation on TSS and pH is July 1, 1984.

§ 469.21 Specialized definitions.

The definitions in 40 CFR 401 and the chemical analysis methods in 40 CFR 136 apply to this subpart. In addition,

(a) The term "total toxic organics (TTO)" shall mean the sum of the concentrations for each of the following toxic organic compounds which is found in the discharge at a concentration greater than ten (10) micrograms per liter:

```
1,2,4  trichlorobenzene
       chloroform
  1,2  dichlorobenzene
  1,3  dichlorobenzene
  1,4  dichlorobenzene
       ethylbenzene
1,1,1  trichloroethane
       methylene chloride
       napthalene
    2  nitrophenol
       phenol
       bis(2-ethylhexyl) phthalate
       tetrachloroethylene
       toluene
       trichloroethylene
    2  chlorophenol
  2,4  dichlorophenol
    4  nitrophenol
       pentachlorophenol
       di-n-butyl pthalate
       anthracene
  1,2  diphenylhydrazine
       isophorone
       butyl benzyl phthalate
  1,1  dichloroethylene
2,4,6  trichlorophenol
```

(b) The term "electronic crystals" shall mean crystals or crystalline material which because of their unique structural and electronic properties are used in electronic devices. Examples of these crystals are quartz, ceramic, silicon, and gallium arsenide.

§ 469.22 Monitoring requirements.

(a) In lieu of monitoring for TTO, the permit authority may allow direct discharges to include the following certification as a "comment" on the Discharge Monitoring Report required by § 122.62 (i): "I certify that, since filing the last discharge monitoring report, toxic organic compounds have not entered the wastewater in quantities that will exceed the discharge limits for TTO. In requesting this alternative procedure, the discharger shall specify the toxic organic compounds used and the procedures used (e.g., contract hauling of spent solvents) to prevent excessive wastewater discharge of toxic organics. If monitoring is necessary to measure compliance with the TTO standard, it may be limited to toxic organics likely to be present.

(b) In lieu of monitoring for TTO, the control authority may allow industrial users of POTWs to make the following certification as a comment to the periodic reports required by § 403.12(e): "I certify that, since filing the last periodic report, toxic organic compounds have not entered the water in quantities that will exceed the discharge limits for TTO". In requesting this alternative procedure, the discharger shall specify the toxic organic compounds used and the procedures used (e.g., contract hauling of spent solvents) to prevent excessive wastewater discharge of toxic organics. If monitoring is necessary to measure compliance with the TTO standard, it may be limited to toxic organics likely to be present.

§ 469.23 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR Part 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	0.47	
Arsenic (T) [2]	1.89	0.68
Fluoride (T)	32.0	17.4
TSS	61.0	23.0
pH	(3)	(3)

[1] Total toxic organics.
[2] The arsenic (T) limitation only applies to manufacturers of gallium or indium arsenide crystals.
[3] Within the range of 6.0 to 9.0.

469.24 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR Part 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically available (BAT):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	0.47	
Arsenic (T) [2]	1.89	0.68
Fluoride (T)	32.0	17.4

[1] Total toxic organics.
[2] The arsenic (T) limitation only applies to manufacturers of gallium or indium arsenide crystals.

469.25 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR Parts 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	0.47	.....
Arsenic (T) [2]	1.89	0.68

[1]Total toxic organics.
[2]The arsenic (T) limitation only applies to manufacturers of gallium or indium arsenide crystals.

§ 469.26 New source performance standards (NSPS).

Any new source subject to this subpart must achive the following new source performance standards (NSPS):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	0.47	.....
Arsenic (T) [2]	1.89	0.68
Fluoride (T)	32.0	17.4
TSS	61.0	23.0
pH	(3)	(3)

[1]Total toxic organics.
[2]The arsenic (T) limitation only applies to manufacturers of gallium or indium arsenide crystals.
[3]Within the range of 6.0 to 9.0.

§ 469.27 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR Parts 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	0.47	.....
Arsenic (T) [2]	1.89	0.68

[1]Total toxic organics.
[2]The arsenic (T) limitation only applies to manufacturers of gallium or indium arsenide crystals.

§ 469.28 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT).

Except as provided in 40 CFR Part 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TSS	61.0	23.0
pH	(1)	(1)

[1]Within the range of 6.0 to 9.0.

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federal register

Tuesday
August 24, 1982

Part III

Department of Health and Human Services

Food and Drug Administration

Anthelmintic Drug Products for Over-the-Counter Human Use, Tentative Final Monograph

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 357

[Docket No. 79N-0378]

Anthelmintic Drug Products for Over-the-Counter Human Use; Tentative Final Monograph

AGENCY: Food and Drug Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing a notice of proposed rulemaking in the form of a tentative final monograph that would establish conditions under which over-the-counter (OTC) anthelmintic drug products (Products that destroy pinworms) are generally recognized as safe and effective and not misbranded. FDA is issuing this notice of proposed rulemaking after considering the report and recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products and the advance notice of proposed rulemaking that was based on those recommendations. This proposal is part of the ongoing review of OTC drug products conducted by FDA.

DATE: Written comments, objections, or requests for oral hearing before the Commissioner of Food and Drugs on the proposed regulation by October 25, 1982. Written comments on the agency's economic impact determination by December 22, 1982

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

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, National Center for Drugs and Biologics (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 9, 1980 (45 FR 59540), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC anthelmintic drug products, together with the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products, which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class. Interested persons were invited to submit comments by December 8, 1980. Reply comments in response to comments filed in the intital comment period could be submitted by January 7, 1981.

In accordance with § 330.10(a)(10), the data and information considered by the Panel were put on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration (address above), after deletion of a small amount of trade secret information.

The advance notice of proposed rulemaking, which was published in the **Federal Register** on September 9, 1980 (45 FR 59540), was designated as a "proposed monograph" in order to conform to terminology used in the OTC drug review regulations (21 CFR 330.10). Similarly, the present document is designated in the OTC drug review regulations as a "tentative final monograph." Its legal status, however, is that of a proposed rule. In this tentative final monograph (proposed rule) the FDA states for the first time its position on the establishment of a monograph for OTC anthelmintic drug products. Final agency action on this matter will occur with the publication at a future date of a final monograph, which will be a final rule establishing a monograph for OTC anthelmintic drug products.

No comments were received in response to the advance notice of proposed rulemaking. This proposal to establish Part 357 (21 CFR Part 357) constitutes FDA's tentative adoption of the Panel's conclusions and recommendations on OTC anthelmintic drug products, as modified on the basis of the agency's independent evaluation of the Panel's report. (This tentative final monograph constitutes Subpart B of Part 357. Subpart A is reserved for publication at a later date.) Modifications have been made for clarity and regulatory accuracy and to reflect new information. Such new information has been placed on file in the Dockets Management Branch (address above).

FDA published in the **Federal Register** of September 29, 1981 (46 FR 47730) a final rule revising the OTC procedural regulations to conform to the decision in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). The Court in *Cutler* held that the OTC drug review regulations (21 CFR 330.10) were unlawful to the extent that they authorized the marketing of Category III drugs after a final monograph had been established. Accordingly, this provision is now deleted from the regulations. The regulations now provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process, before the establishment of a final monograph (46 FR 47738).

Although it was not required to do so under *Cutler*, FDA will no longer use the terms "Category I," "Category II," and "Category III" at the final monograph stage in favor of the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III). This document retains the concepts of Categories I, II, and III at the tentative final monograph stage.

The revised regulations provide in § 330.10(a)(7)(ii) for the Commissioner to publish a separate tentative final order containing a statement of those active ingredients reviewed and proposed to be excluded from the monograph on the basis of the Commissioner's determination that they would result in a drug product not being generally recognized as safe and effective or would result in misbranding, and for which no substantive comments in opposition to the Panel report or new data and information were received by the FDA pursuant to § 330.10(a)(6)(iv). In the case of anthelmintic drug products, the only active ingredient which the Panel excluded from the monograph (as Category II) is piperazine citrate. In the preamble to the Panel's report, the agency stated that, because it considered the potential risks from the use of gentian violet (which the Panel had placed in Category I) to outweigh its benefits, it intended to classify this ingredient in Category II in the tentative final monograph. The agency explained in detail the reasons it intended to classify gentian violet in Category II and confirms this classification later in this document. Because no comments were received in response to the Panel's report and the recommended classification of these ingredients as not being generally recognized as safe and effective, the regulations authorize the Commissioner to issue a separate tentative final order for these ingredients.

The revised regulations also provide in § 330.10(a)(7)(iii) for a 12-month period to submit data and information to support a condition excluded from the monograph in the tentative final order. Other than gentian violet and piperazine citrate, as described above, the only ingredient remaining to be considered is pyrantel pamoate, which has been included in the monograph. Thus, the agency concludes that there is no need for a 12-month period following publication of this tentative final monograph for the submission of new

data or information to support any condition excluded from the monograph. Because there is on need for this 12-month period, the time for filing written comments or objections or requesting an oral hearing before the Commissioner following publication of a tentative final monograph (§ 330.10(a)(7)(i)) or separate tentative final order (§ 330.10(a)(7)(ii)) is 60 days. Also, the agency has concluded that the entire tentative final monograph can be published as a single document.

The agency advises that the conditions under which the drug products that are subject to this monograph would be generally recognized as safe and effective and not misbranded (monograph conditions) will be effective 6 months after the date of publication of the final monograph in the Federal Register. On or after that date, no OTC drug products that are subject to the monograph and that contain nonmonograph conditions, i.e., conditions that would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce unless they are the subject of an approved new drug application. Further, any OTC drug products subject to this monograph that are repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to comply voluntarily with the monograph at the earliest possible date.

In the advance notice of proposed rulemaking for OTC anthelmintic drug products (45 FR 59540), the agency had suggested that the conditions included in the monograph (Category I) be effective 30 days after the date of publication of the final monograph in the Federal Register and that the conditions excluded from the monograph (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph, regardless of whether further testing was undertaken to justify their future use. Experience has shown that relabeling of products covered by the monograph is necessary in order for manufacturers to comply with the monograph. New labels containing the monograph labeling have to be written, ordered, received, and incorporated into the manufacturing process. The agency has determined that it is impractical to expect new labeling to be in effect 30 days after the date of publication of the final monograph. Experience has shown also that if the deadline for relabeling is too short, the agency is burdened with extension requests and related paperwork.

The agency wishes to establish a reasonable period of time for relabeling in order to avoid an unnecessary disruption of the marketplace that could not only result in economic loss but also interfere with consumers' access to safe and effective drug products. In this case, the only Category I condition represents a prescription to OTC marketing switch. The agency believes that the new labeling required by the monograph can be instituted within 6 months after the final monograph is published. Therefore, the agency is proposing that the final monograph be effective 6 months after the date of its publication in the Federal Register. The agency believes that within 6 months after the date of publication most manufacturers can order new labeling and have their products in compliance in the marketplace. However, if the agency determines that any labeling for a condition included in the final monograph should be implemented sooner, a shorter deadline may be established. Similarly, if a safety problem is identified for a particular nonmonograph condition, a shorter deadline may be set for removal of that condition from OTC drug products. In this case, the agency believes that anthelmintic drug products containing gentian violet should be removed from the market as expeditiously as possible, and therefore the monograph should be effective 6 months after the date of its publication in the Federal Register.

The Agency's Tentative Adoption of the Panel's Report

FDA has considered all relevant information and proposes to adopt the Panel's report and recommended monograph with the following changes:

1. The Panel classified gentian violet in Category I for anthelmintic use. FDA, however, believes the potential risks of using gentian violet for this purpose outweigh the benefits and is reclassifying gentian violet as Category II. The reasons for this decision were extensively discussed in the preamble to the Panel's report (45 FR 59540 and 59541). The Panel acknowledged both a scarcity of acute toxicity data on the safety of gentian violet and a high incidents of undesirable side effects associated with its clinical use in children. The Panel also recommended that further testing be performed to resolve the ingredient's carcinogenic potential. After reviewing the available data relevant to the gentic toxicity of gentian violet (Refs. 1 through 4), the agency concluded that in bacterial and mammalian cells in culture, gentian violet is cytotoxic (having a deleterious effect on cells) and clastogenic (causing genetic damage). The agency also pointed out that evidence that gentian violet interacts with DNA and belongs to the same structural class as known carcinogens is suggestive of a potential carcinogenic effect of gentian violet and necessitates a conservative policy regarding human exposure. The high incidence of adverse gastrointestinal effects (up to 50 percent), potential toxicity, low compliance, and potential relatively low effectiveness were also discussed. The agency concluded that the rather modest health benefits associated with the continued OTC availability of gentian violet as an anthelmintic are outweighed by the risks, which are potentially quite serious. The agency invited specific comment on its intent to classify gentian violet in Category II. No comments were received on the agency's conclusions, and the agency reaffirms those conclusions at this time. Therefore, the Panel's recommended §§ 357.110(a) and 357.150(c)(2), (d)(2)(i) and (ii), and (e)(1) and (2) are not included in this tentative final monograph. The agency has also changed some of the other section numbers because of the deletion of gentian violet from the Panel's recommended monograph. The agency points out that the warning statement about gentian violet tablets in § 369.20 (21 CFR 369.20) will be revoked when the final monograph for anthelmintic drug products becomes effective.

References

(1) Rosenkranz, H. S., and H. S. Carr, "Possible Hazard in Use of Gentian Violet," *British Medical Journal*, 3:702–703, 1971.

(2) Au, W., et al., "Cytogenetic Toxicity of Gentian Violet and Crystal Violet on Mammalian Cells in Vitro," *Mutation Research*, 58:269–276, 1978.

(3) Hsu, T. C., et al., "Cytogenetic Assays of Chemical Clastogens using Mammalian Cells in Culture" *Mutation Research*, 45:233–247, 1977.

(4) Au, W., et al., "Further Study of the Genetic Toxicity of Gentian Violet," *Mutation Research*, 66:103–112, 1979.

2. FDA has accepted the Panel's recommendation that pyrantel pamoate be moved from prescription to OTC status for the treatment of pinworms. In its discussion of pyrantel pamoate, the Panel cited clinical studies of children given a single dose of 5 milligrams per pound (mg/lb), showing "a documented incidence of transient elevation of the serum glutamic-oxaloacetic

transaminase (SGOT) in 1.2 percent of 571 subjects from several institutions. In undocumented cases without baseline values, the SGOT was mildly elevated at 24 or 48 hours after therapy in 20 percent of 155 children" (45 FR 59546). The Panel, while noting this effect, did not address the issue of including a warning against the use of pyrantel pamoate in patients with preexisting liver disease. The agency has required a precautionary statement in the current prescription labeling for pyrantel pamoate as follows: "Minor transient elevations of SGOT have occurred in a small percentage of patients. Therefore, this drug should be used with caution in patients with pre-existing liver dysfunction" (Ref. 1).

The agency feels that it is in the best interest of consumers to include a similar warning in the OTC labeling for pyrantel pamoate. Therefore, in this tentative final monograph the agency is proposing the following warning as § 357.150(c)(2):

"If you have liver disease, do not take this product unless directed by a doctor."

Reference

(1) FDA-approved labeling from NDA 16–883, included in OTC Volume 16BTFM, Docket No. 79N–0378, Dockets Management Branch.

3. The Panel recommended the inclusion of a pregnancy warning as part of the general labeling for all OTC anthelmintic drug products in § 357.150(c)(1)(ii). In the preamble to the Panel's report (45 FR 59541), the agency advised that the Panel's recommendations for a pregnancy warning was inconsistent with the required labeling for pyrantel pamoate which previously had been available only by prescription. The agency stated that the data were insufficient at that time to require a pregnancy warning. However, because the directions for use state that "when one individual in a household has pinworms, the entire household should be treated," the agency believes the label should articulate the circumstances under which a pregnant woman should take the drug. Although there are no new data available demonstrating that pyrantel pamoate is unsafe for use by pregnant women, the agency does not believe the drug should be taken by pregnant women unless they themselves have pinworms and a doctor has directed them to do so. If a pregnant woman does not have pinworms, then a risk from the drug, however slight, is not justified. Consulting a physician would enable the physician to determine whether the woman had pinworms or whether the liklihood of her having pinworms was sufficiently great to justify the use of the drug. Thus, the agency is proposing the following warning in § 357.150)c)(3): "If you are pregnant, do not take this product unless you have pinworms yourself and are directed to take it by your doctor."

4. In its recommended labeling for OTC anthelmintic drug products, the Panel included several similar statements in both the *"Warnings,"* § 357.150(c), and *"Directions,"* § 357.150(d).

The agency can find no reason to include these statements under both headings, and proposes, therefore, to delete from the *"Warnings"* in § 357.150(c)(1) (ii) and (iii) those statements that also appear in the *"Directions"* in § 357.150(d)(1). The agency proposes to delete the words "discontinue using it" from the warning statement in § 357.150(c)(1)(i) because the directions for use for pyrantel pamoate provide for a single (one-time) dose of medication. The agency proposes also revising this warning slightly for clarity. The agency has deleted the "age" definition from § 357.103(a) of the Panel's recommended monograph because these age limits are adequately defined in the directions for use.

5. In several of its warnings, the Panel recommeded use of the phrase "consult a physician." This phrase has often been used in OTC labeling as advice to the consumer in case of symptoms that indicate a condition that cannot be self-treated. Believing that the word "doctor" is more commonly used and better understood by consumers, the agency proposes to substitute "doctor" for "physician" in the warnings appearing in the tentative final monograph. The Panel also used the phrases "* * * without first consulting a physician" and "* * * except under the advice and supervision of a physician." The agency proposes to change these phrases to read "* * * consult a doctor" or "* * * except under the supervision of a doctor." These changes are part of a continuing effort to achieve OTC labeling language that is simple, clear, and accurate, in keeping with § 330.10(a)(4)(v) (21 CFR § 330.10(a)(4)(v)), which states in part, "Labeling * * * shall state the intended uses and results of the product; adequate directions for proper use; and warnings against unsafe use, side effects, and adverse reactions in such terms as to render them likely to be read and understood by the ordinary individual, including individuals of low comprehension, under customary conditions of purchase and use." If the word "doctor" and the shortened phrases described above are adopted in the final monograph, the agency will use this language in other final monographs and other applicable OTC drug regulations and will propose amendments to those regulations accordingly. Public comment on these proposed changes in labeling language is invited.

6. In § 357.150(a) of its recommended monograph, the Panel suggested a statement of identity that describes the product as an "anthelmintic." The Panel defined an anthelmintic in § 357.130(b) as "an agent that is destructive to pinworms." An anthelmintic is defined in "Dorland's Medical Dictionary" (Ref. 1) as "an agent that is destructive to worms" and could, therefore, be used for treatment of worms other than pinworms. The agency concludes that the word "anthelmintic" is not specific to pinworms and is not well understood by consumers. Use of the words "pinworm treatment" in the statement of identity should result in a better understanding by consumers of the nature of the product. The agency is revising the statement of identity in § 357.150(a) accordingly. In addition, with the inclusion of a professional labeling claim for the treatment of common roundworm infection in the tentative final monograph (see paragraph 8 below), the agency has changed the Panel's recommended definition of anthelmintic in § 357.103 to "an agent that is destructive to worms."

Reference

(1) "Dorland's Illustrated Medical Dictionary," W. B. Saunders Co., Philadelphia, 1974, s.v. "anthelmintic."

7. The Panel recommended a pyrantel pamoate dosage in § 357.150(d)(3) of 11 milligrams per kilogram of body weight. Believing that consumers are more familiar with weight measurements in pounds, the agency proposes to convert this dosage to its equivalend dosage of 5 mg/lb, clarify that this dosage relates to the pyrantel base, and include this information in § 357.150(d)(1) of this tentative final monograph. The agency concludes that this dosage information must be provided to consumers with directions that are easily understood. Therefore, the agency also proposes to include a requirement in § 357.150(d)(1) of this tentative final monograph that the label should state the quantity of drug (liquid measurement or the number of dosage units) to be taken for varying body weights. The agency has provided a dosage schedule in § 357.150(d)(1).

Where appropriate, it is recommended that a graduated measuring cup be provided with the product. The agency believes that certain information on how to take the drug, which appears in the labeling of a currently approved prescription product containing pyrantel pamoate (Ref. 1), would be useful to consumers in self-medicating with this drug. Accordingly, the following statement has been added to the tentative final monograph in § 357.150(d)(3) to read as follows: "This product can be taken any time of day, with or without meals. It may be taken alone or with milk or fruit juice. Use of a laxative is not necessary prior to, during, or after medication."

Reference

(1) FDA-approved labeling from NDA 16-883, included in OTC Volume 16BTFM, Docket No. 79N-0378, Dockets Management Branch.

8. A number of investigators have reported the effectiveness of pyrantel pamoate in the treatment of common roundworm infection, ascariasis (Refs. 1 through 6), and the agency has approved pyrantel pamoate as a prescription drug for the treatment of both pinworm and common roundworm infection. Under the general discussion in its report, the Panel stated that the diagnosis and treatment of common roundworm should be under the supervision of a physician and placed such a claim in Category II for OTC use (45 FR 59543). The agency agrees with the Panel, but believes that this information on the use of pyrantel pamoate should be provided to health professionals. Therefore, the agency has expanded the tentative final monograph to include professional labeling as proposed new § 357.180 which includes the following indication: "For the treatment of common roundworm infection."

References

(1) Desowitz, R. S., et al., "Anthelmintic Activity of Pyrantel Pamoate," *The American Journal of Tropical Medicine and Hygiene*, 19:775–778, 1970.

(2) Bell, W. J., and S. Nassif, "Comparison of Pyrantel Pamoate and Piperazine Phosphate in the Treatment of Ascariasis," *The American Journal of Tropical Medicine and Hygiene*, 20:5484–588, 1971.

(3) Cervoni, W. A., and J. Oliver-Gonzales, "Clinical Evaluation of Pyrantel Pamoate in Helminthiasis," *The American Journal of Tropical Medicine and Hygiene*, 20:589–591, 1971.

(4) Villarejos, V. M., et al., "Experience with the Anthelmintic Pyrantel Pamoate," *The American Journal of Tropical Medicine and Hygiene*, 20:842–845, 1971.

(5) Rim, H. J., and J. K. Lim, "Treatment of Enterobiasis and Ascariasis with Combantrin (Pyrantel Pamoate)," *Transactions of the Royal Society of Tropical Medicine and Hygiene*, 66:170–175, 1972.

(6) Pitts, N. E., and J. R. Migliardi, "Antiminth (Pyrantel Pamoate): The Clinical Evaluation of a New Broad-Spectrum Anthelminthic," *Clinical Pediatrics*, 13:87–94, 1974.

9. The agency has reviewed all claimed active ingredients submitted to the Panel, as well as other available data and information, and has changed the categorization of one ingredient. For the convenience of the reader, the following table is included as a summary of the categorization of anthelmintic active ingredients:

Ingredient	Panel categorization	Agency categorization
Gentian violet	I	II.
Piperazine citrate	II	II.
Pyrantel pamoate	I	I.

10. The agency points out that the Panel did not place any ingredients or claims for the teatment of pinworm infection in Category III, and the agency has added none.

The agency has examined the economic consequences of this proposed rulemaking and has determined that it does not require either a Regulatory Impact Analysis, as specified in Executive Order 12291, or a Regulatory Flexibility Analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). Specifically, the proposal allows the drug pyrantel pamoate to switch from prescription to OTC status. Under the OTC drug review procedures, manufacturers have been allowed to market this ingredient OTC since the advance notice of proposed rulemaking was published in the **Federal Register** of September 9, 1980 (45 FR 59540). The agency has made some minor revisions in the Panel's recommended labeling. Therefore, some relabeling will be necessary. Manufacturers will have up to 6 months to revise their product labeling. In most cases, this will be done at the next printing so that minimal costs should be incurred. Issuance of the final monograph as proposed will result in the removal of anthelmintic products containing gentian violet from the OTC market. Some products containing this ingredient have already been voluntarily removed from the market. Thus, the impact of the final regulation appears to be minimal. Therefore, the agency concludes that the proposed rule is not a major rule as defined in Executive Order 12291. Further, the agency certifies that the proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

The agency invites public comment regarding any substantial or significant economic impact that this rulemaking would have on OTC anthelmintic drug products. Types of impact may include, but are not limited to, costs associated with product testing, relabeling, repackaging, or reformulating. Comments regarding the impact of this rulemaking on OTC anthelmintic drug products should be accompanied by appropriate documentation. Because the agency has not previously invited specific comment on the economic impact of the OTC drug review on anthelmintic drug products, a period of 120 days from the date of publication of this proposed rulemaking in the **Federal Register** will be provided for comments on this subject to be developed and submitted. The agency will evaluate any comments and supporting data that are received and will reassess the economic impact of this rulemaking in the preamble to the final rule.

The agency has carefully considered the potential environmental effects of this proposal 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 agency's finding of no significant impact and the evidence supporting this finding, contained in an environmental assessment (under 21 CFR 25.31, proposed in the **Federal Register** of December 11, 1979; 44 FR 71742), may be seen in the Dockets Management Branch, Food and Drug Administration.

List of Subjects in 21 CFR Part 357

OTC drugs: Anthelmintics, Cholecystokinetics.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)) and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), it is proposed that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations be amended by adding new Part 357, to read as follows:

PART 357—MISCELLANEOUS INTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A [Reserved]

Subpart B—Anthelmintic Drug Products

Sec.
357.101 Scope.
357.103 Definitions.
357.110 Anthelmintic active ingredient.
357.150 Labeling of anthelmintic drug products.
357.152 Package inserts for anthelmintic drug products.
357.180 Professional labeling.

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704).

Subpart B—Anthelmintic Drug Products

§ 357.101 Scope.

(a) An over-the-counter anthelmintic drug product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this subpart in addition to each of the general conditions established in § 330.1.

(b) References in this subpart to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

§ 357.103 Definitions.

As used in this subpart:

Anthelmintic. An agent that is destructive to worms.

§ 357.110 Anthelmintic active ingredient.

The active ingredient of the product is pyrantel pamoate when used within the dosage limits established in § 357.150(d)(1).

§ 357.150 Labeling of anthelmintic drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as a "pinworm treatment."

(b) *Indications.* The labeling of the product contains a statement of the indication under the heading "Indication" that is limited to the phrase "For the treatment of pinworms."

(c) *Warnings.* The labeling of the product contains the following warnings under the heading "Warnings":

(1) "If upset stomach, diarrhea, nausea, or vomiting occurs with use of this product, consult a doctor."

(2) "If you have liver disease, do not take this product unless directed by a doctor."

(3) "If you are pregnant, do not take this product unless you have pinworms yourself and are directed to take it by your doctor."

(d) *Directions.* The labeling of the product contains the following information under the heading "Directions":

(1) Adults and children 2 years to under 12 years of age: oral dosage is a single dose of 5 milligrams of pyrantel base per pound, or 11 milligrams per kilogram, or body weight not to exceed 1 gram. Dosing information should be converted to easily understood directions for the consumer using the following dosage schedule:

Weight	Dosage (taken as a single dose) [1]
Less than 25 pounds or under 2 years old.	Do not use unless directed by a doctor.
25 pounds	125 milligrams.
50 pounds	250 milligrams.
75 pounds	375 milligrams.
100 pounds	500 milligrams.
125 pounds	625 milligrams.
150 pounds	750 milligrams.
175 pounds	875 milligrams.
200 pounds	1,000 milligrams.
More than 200 pounds	1,000 milligrams.
For in-between weights,	use closets weight on chart.

[1] Depending on the product, the label should state the quantity of drug as a liquid measurement (e.g., teaspoonsful) or as the number of dosage units (e.g., tablets) to be taken for the varying body weights. (If appropriate, it is recommended that a measuring cup graduated by body weight and/or liquid measurement be provided with the product.) Manufacturers should present this information as appropriate for their product and may vary the format of this chart as necessary.

(2) "Take only according to directions and do not exceed the recommended dosage unless directed by a doctor. When one individual in a household has pinworms, the entire household should be treated. If any worms other than pinworms are present before or after treatment, consult a doctor."

(3) "This product can be taken any time of day, with or without meals. It may be taken alone or with milk or fruit juice. Use of a laxative is not necessary prior to, during, or after medication."

§ 357.152 Package inserts for anthelmintic drug products.

The labeling of the product contains a consumer package insert which includes the following information:

(a) A detailed description of how to find and identify the pinworm.

(b) A commentary on the life cycle of the pinworm.

(c) A commentary on the ways in which pinworms may be spread from person to person and hygienic procedures to follow to avoid such spreading.

(d) The appropriate labeling information contained in § 357.150.

§ 357.180 Professional labeling.

The labeling provided to health professionals (but not to the general public) may contain an additional indication: "For the treatment of common roundworm infection."

Interested persons may, on or before October 25, 1982 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments, objections, or requests for oral hearing before the Commissioner on the proposed regulation. A request for an oral hearing must specify points to be covered and time requested. Written comments on the agency's economic impact determination may be submitted on or before December 22, 1980. Three copies of all comments, objections, and requests are to be submitted, except that individuals may submit one copy. Comments, objections, and requests are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Comments, objections, and requests may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday. Any scheduled oral hearing will be announced in the **Federal Register.**

In establishing a final monograph, the agency will ordinarily consider only data submitted prior to the closing of the administrative record on October 25, 1982. Data submitted after the closing of the administrative record will be reviewed by the agency only after a final monograph is published in the **Federal Register** unless the Commissioner finds good cause has been shown that warrants earlier consideration.

Dated: June 15, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: July 21, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

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federal register

Tuesday
August 24, 1982

Part IV

Department of Health and Human Services

Food and Drug Administration

Cholecystokinetic Drug Products for Over-the-Counter Use; Tentative Final Monograph

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 357

[Docket No. 79N-0368]

Cholecystokinetic Drug Products for Over-the-Counter Human Use; Tentative Final Monograph

AGENCY: Food and Drug Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing a notice of proposed rulemaking in the form of a tentative final monograph that would establish conditions under which over-the-counter (OTC) cholecystokinetic drug products (products that cause contraction of the gallbladder during diagnostic gallbladder studies) are generally recognized as safe and effective and not misbranded. FDA is issuing this notice of proposed rulemaking after considering the report and recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products and the public comment on an advance notice of proposed rulemaking that was based on those recommendations. This proposal is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments, objections, or requests for oral hearing before the Commissioner of Food and Drugs on the proposed regulation by October 25, 1982. Written comments on the agency's economic impact determination by December 22, 1982.

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

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, National Center for Drugs and Biologics (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 12, 1980 (45 FR 9286) FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC cholecystokinetic drug products, together with the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products, which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class. Interested persons were invited to submit comments by May 12, 1980. Reply comments in response to comments filed in the initial comment period could be submitted by June 11, 1980.

In accordance with § 330.10(a)(10), the data and information considered by the Panel were put on public display in the Dockets Management Branch (HA-305), Food and Drug Administration (address above), after deletion of a small amount of trade secret information.

The advance notice of proposed rulemaking, which was published in the **Federal Register** of February 12, 1980 (45 FR 9286), was designated as a "proposed monograph" in order to conform to terminology used in the OTC drug review regulations (21 CFR 330.10). Similarly, the present document is designated in the OTC drug review regulations as a "tentative final monograph." Its legal status, however, is that of a proposed rule. In this tentative final monograph (proposed rule) the FDA states for the first time its position on the establishment of a monograph for OTC cholecystokinetic drug products. Final agency action on this matter will occur with the publication at a future date of a final monograph, which will be a final rule establishing a monograph for OTC cholecystokinetic drug products.

In response to the advance notice of proposed rulemaking, one pharmaceutical company submitted a comment. Copies of this comment are also on public display in the Dockets Management Branch.

This proposal would amend Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations in Part 357 (as set forth elsewhere in this issue of the **Federal Register**) by adding Subpart C. This proposal constitutes FDA's tentative adoption of the Panel's conclusions and recommendations on OTC cholecystokinetic drug products as modified on the basis of the comment received and the agency's independent evaluation of the Panel's report. Some modifications have been made for clarity and are reflected in the tentative final monograph.

FDA published in the **Federal Register** of September 29, 1981 (46 FR 47730) a final rule revising the OTC procedural regulations to conform to the decision in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). The revised regulations provide in § 330.10(a)(7)(iii) for a 12-month period to submit data and information to support a condition excluded from the monograph in the tentative final order. In the case of cholecystokinetic drug products, the only condition considered was included in the monograph. Therefore, the agency concludes that the usual 12-month comment period would serve no purpose in developing a final monograph for OTC cholecystokinetic drug products.

Although it was not required to do so under *Cutler*, FDA will no longer use the terms "Category I," "Category II," and "Category III" at the final monograph stage in favor of the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III). This document retains the concepts of Categories I, II, and III at the tentative final monograph stage.

The agency advises that the conditions under which the drug products that are subject to this monograph would be generally recognized as safe and effective and not misbranded (monograph conditions) will be effective 12 months after the date of publication of the final monograph in the **Federal Register**. On or after that date, no OTC drug products that are subject to the monograph and that contain nonmonograph conditions, i.e., conditions that would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce unless they are the subject of an approved new drug application. Further, any OTC drug products subject to this monograph that are repackaged or relabled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to comply voluntarily with the monograph at the earliest possible date.

In the advance notice of proposed rulemaking for OTC cholecystokinetic drug products (published in the **Federal Register** of February 12, 1980 (45 FR 9286)), the agency had suggested that the conditions included in the monograph (Category I) be effective 30 days after the date of publication of the final monograph in the **Federal Register**. Experience has shown that relabeling of products covered by the monograph is necessary in order for manufacturers to comply with the monograph. New labels containing the monograph labeling have to be written, ordered, received, and incorporated into the manufacturing process. The agency has determined that it is impractical to expect new labeling to be in effect 30 days after the date of publication of the final monograph. Experience has shown also that if the deadline for relabeling is too short, the agency is burdened with extension requests and related paperwork.

In addition, some products may have to be reformulated to comply with the monograph. Reformulation often involves the need to do stability testing on the new product. An accelerated aging process may be used to test a new formulation; however, if the stability testing is not successful, and if further reformulation is required, there could be a further delay in having a new product available for manufacture.

The agency wishes to establish a reasonable period of time for relabeling and reformulation in order to avoid an unnecessary disruption of the marketplace that could not only result in economic loss but also interfere with consumers' access to safe and effective drug products. Therefore, the agency is proposing that the final monograph be effective 12 months after the date of its publication in the **Federal Register**. The agency believes that within 12 months after the date of publication most manufacturers can order new labeling and have their products in compliance in the marketplace. However, if the agency determines that any labeling for a condition included in the final monograph should be implemented sooner, a shorter deadline may be established. Similarly, if a safety problem is identified for a particular nonmonograph condition, a shorter deadline may be set for removal of that condition from OTC drug products.

The "OTC Volume" cited in this document refers to the submission made by an interested person pursuant to the call-for-data notices published in the **Federal Register** of November 16, 1973 (38 FR 31696) and in the **Federal Register** of August 27, 1975 (40 FR 38179). The volume is on public display in the Dockets Management Branch.

I. The Agency's Tentative Conclusion on the Comment

One comment stated that the only use for cholecystokinetic drug products is to cause contraction of the gallbladder during cholecystography, and thus they are always dispensed or under the supervision of the physician requesting the cholecystogram. The comment concluded that thest drugs, therefore, are not OTC drugs and that the establishment of an OTC drug monograph for these products is inappropriate and not in the best interest of the patients for whom these products are intended.

The agency agrees with the comment that the product should be used under the supervision of the physician. However, the agency points out that the Panel concluded that an aqueous emulsion of corn oil, the only ingredient it reviewed, is safe and effective for use as an OTC cholecystokinetic drug product. Because patients may be advised by a physician to obtain this drug and use it at a given time in preparation for the diagnostic procedure, the agency agrees with the Panel and believes that the status of this product as an OTC drug will benefit consumers by assuring its convenient availability when it is needed. The labeling proposed for the product in this tentative final monograph is clear and specific, adequately informs the consumer of the intended use of the product, and makes misuse unlikely. Therefore, the agency believes that this drug product can be marketed OTC and that establishing this tentative final monograph for OTC cholecystokinetic drug products is not adverse to the interests of those consumers for whom such products are intended.

II. The Agency's Tentative Adoption of the Panel's Report

1. In § 357.250(a), the Panel recommended a statement of identity which identifies the product as a "cholecystokinetic." The agency believes that the word cholecystokinetic is not well understood by consumers and that the use of the words "gallbladder diagnostic agent" as the statement of identity would result in a better understanding of the intended OTC use of the product. The agency is revising the statement of identity in § 357.250(a) accordingly.

2. In § 357.250(b)(1), the Panel recommended an indication that designates the product's use as "For the contraction of the gallbladder during cholecystography." The agency believes that the word "cholecystography" is not well understood by consumers and is, therefore, substituting the words "diagnostic gallbladder studies" for the word "cholecystography" in § 357.250(b)(1) in the tentative final monograph. The agency also believes that the Panel's indication in § 357.250(b)(2), which states that the product is used "for visualization of biliary ducts during cholecystography," would not be well understood by consumers, and that the modified indication in § 357.250(b)(1) in this tentative final monograph is adequate to inform consumers of the intended OTC use of the product. However, the agency believes that the information contained in § 357.250(b)(2) should be provided to health professionals, and is moving this indication to a new professional labeling section in the tentative final monograph. In addition, the agency has reviewed the data submitted to the Panel (Ref. 1) and has determined that the usual dose of 50 percent corn oil emulsion for cholecystography is 60 milliliters (mL). The data indicate that the 60-mL dose should be taken 20 minutes before a postcontraction biliary x-ray is scheduled. The agency believes that, because these products are only used when directed by a physician, dosing information should also be provided in the professional labeling. Thus, the agency is proposing professional labeling as new § 357.280, which will include the following indication and dosage:

(a) *Indication.* "For visualization of biliary ducts during cholecystography."

(b) *Dosage.* Oral dosage is 60 millilters of a 50-percent aqueous emulsion of corn oil taken 20 minutes before postcontraction biliary x-ray.

Reference

(1) OTC Volume 170045.

3. In § 357.250(c)(1), the Panel recommended the use of the phrase "* * * when instructed by a physician." Believing that the word "doctor" is more commonly used and better understood by consumers, the agency is substituting "doctor" for "physician" in this section of the tentative final monograph. This change is made as part of a continuing effort to achieve OTC labeling language that is simple, clear, and accurate, in keeping with § 330.10(a)(4)(v), (21 CFR 330.10(a)(4)(v)), which states in part, "Labeling * * * shall state the intended uses and results of the product; adequate directions for proper use; and warnings against unsafe use, side effects, and adverse reactions in such terms as to render them likely to be read and understood by the ordinary individual, including individuals of low comprehension, under customary conditions of purchase and use." If the word "doctor" is adopted in the final monograph, the agency will use this language in other final monographs and other applicable OTC drug regulations and will propose amendments to those regulations accordingly. Public comment on this proposed change in labeling language is invited.

The agency has examined the economic consequences of this proposed rulemaking and has determined that it does not require either a Regulatory Impact Analysis, as specified in Executive Order 12291, or a Regulatory Flexibility Analysis, as defined in the Regulatory Flexibility Act (Public Law 96–354). Specifically, the proposal would require only a small amount of relabeling, and any reformulation, if necessary, would be minor. Therefore, the agency concludes that the proposed rule is not a major rule as defined in

Executive Order 12291. Further, the agency certifies that the proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

The agency invites public comment regarding any substantial or significant economic impact that this rulemaking would have on OTC cholecystokinetic drug products. Types of impact may include, but are not limited to, costs associated with product testing, relabeling, repackaging, or reformulating. Comments regarding the impact of this rulemaking on OTC cholecystokinetic drug products should be accompanied by appropriate documentation. Because the agency has not previously invited specific comment on the economic impact of the OTC drug review on cholecystokinetic drug products, a period of 120 days from the date of publication of this proposed rulemaking in the **Federal Register** will be provided for comments on this subject to be developed and submitted. The agency will evaluate any comments and supporting data that are received and will reassess the economic impact of this rulemaking in the preamble to the final rule.

The agency has determined that under 21 CFR 25.24(d)(9) (proposed in the **Federal Register** of December 11, 1979; 44 FR 71742) this proposal 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.

List of Subjects in 21 CFR Part 357

OTC drugs: Anthelmintics, Cholecystokinetics.

PART 357—MISCELLANEOUS INTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)) and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), it is proposed that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations be amended in Part 357 (as set forth elsewhere in this issue of the **Federal Register**) by adding new Subpart C, to read as follows:

* * * * *

Subpart C—Cholecystokinetic Drug Products

Sec.
357.201 Scope.
357.203 Definition.
357.210 Cholecystokinetic active ingredient.
357.250 Labeling of cholecystokinetic drug products.
357.280 Professional labeling.

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704).

* * * * *

Subpart C—Cholecystokinetic Drug Products

§ 357.201 Scope.

(a) An over-the-counter cholecystokinetic drug product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this subpart in addition to each of the general conditions established in § 330.1.

(b) References in this subpart to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

§ 357.203 Definition.

As used in this part:

Cholecystokinetic drug product. A drug product that causes contraction of the gallbladder and is used during the course of diagnostic gallbladder studies (cholecystography).

§ 357.210 Cholecystokinetic active ingredient.

The active ingredient of the product is a 50-percent aqueous emulsion of corn oil.

§ 357.250 Labeling of cholecystokinetic drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as a "gallbladder diagnostic agent."

(b) *Indications.* The labeling of the product contains a statement of the indication under the heading "Indication" that is limited to the phrase "For the contraction of the gallbladder during diagnostic gallbladder studies."

(c) *Warnings.* [Reserved]

(d) *Directions.* The labeling of the product contains the following statements under the heading "Directions":

(1) "Take only when instructed by a doctor."

(2) "Shake well before using."

§ 357.280 Professional labeling.

The labeling provided to health professionals (but not to the general public) may contain the following information for products containing a 50-percent aqueous emulsion of corn oil:

(a) *Indication.* "For visualization of biliary ducts during cholecystography."

(b) *Dosage.* Oral dosage is 60 milliliters of a 50-percent aqueous emulsion of corn oil taken 20 minutes before postcontraction biliary x-ray.

Interested persons may, on or before October 25, 1982 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments, objections or requests for oral hearing before the Commissioner on the proposed regulation. A request for an oral hearing must specify points to be covered and time requested. Written comments on the agency's economic impact determination may be submitted on or before December 22, 1982. Three copies of all comments, objections, and requests are to be submitted, except that individuals may submit one copy. Comments, objections, and requests are to be identified with the docket number found in brackets in the heading of this document and may be acccompanied by a supporting memorandum or brief. Comments, objections, and requests may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday. Any scheduled oral hearing will be announced in the **Federal Register.**

In establishing a final monograph, the agency will ordinarily consider only data submitted prior to the closing of the administrative record on October 25, 1982. Data submitted after the closing of the administrative record will be reviewed by the agency only after a final monograph is published in the **Federal Register** unless the Commissioner finds good cause has been shown that warrants earlier consideration.

Dated: June 15, 1982.

Arthur Hull Hayes, Jr.,
Commissioner of Food and Drugs.

Dated: July 13, 1982.

Richard S. Schweiker,
Secretary of Health and Human Services.

[FR Doc. 82–22917 Filed 8–23–82; 8:45 am]
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federal register

Tuesday
August 24, 1982

Part V

Department of Energy

Western Area Power Administration

Boulder City Area Projects; Power Marketing Criteria and Request for Applications

DEPARTMENT OF ENERGY

Western Area Power Administration

Request for Applications for Power From Boulder City Area Projects

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Request for Applications for Power From Boulder City Area Projects.

SUMMARY: The Western Area Power Administration's (Western) Boulder City Area Office is requesting Applications for Power expected to be available beginning June 1, 1987. The amounts of power available from each project and the general terms, conditions, and principles under which the power is proposed to be marketed are contained in the revised Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects (Criteria) published in the **Federal Register** on this date.

Applications for Power are requested from all qualified entities, including the existing Parker-Davis Project contractors, as defined in the revised Criteria (part IV and part V) for capacity and energy available for allocation from the Parker-Davis Project and the Central Arizona Project (Navajo).

Applications for Power defined in the revised Criteria (part VI) are requested from entities within the State of California for capacity and energy in excess of renewal from the Boulder Canyon Project. The States of Arizona and Nevada have established agencies to contract for Boulder Canyon Project capacity and energy in excess of renewal; therefore, an application by invidual entity for Boulder Canyon Project power reserved for use within these States is not necessary. In addition, existing Boulder Canyon Project contractors need not apply for renewal amounts of power shown in the revised Criteria (part VI).

Although the revised Criteria may be changed to reflect further public comment, Western will immediately begin accepting and reviewing Applications for Power in accordance with the revised Criteria.

ADDRESS: Applications may be sent to: Mr. Robert A. Olson, Area Manager, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005, Telephone: (702) 293-8800.

DATES: Applications for Power will be accepted through October 1, 1982. Applications received in the Boulder City Area Office after that date will not be considered.

SUPPLEMENTARY INFORMATION: Western published a Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects (Revision) in the **Federal Register** on this date. That document contains information concerning the amount of power available from the Boulder Canyon Project and the Parker-Davis Project; the amount of power available from the Navajo resource; the marketing area;' the service seasons; and the conditions and points of power delivery.

The Applications for Power, which will be available for public review at the Boulder City Area Office after October 1, 1982, shall include for both the summer and winter service seasons:

1. The amounts of capacity and energy requested by project.
2. The point(s) of delivery.
3. The power desired at each point of delivery.
4. A statement of the transmission arrangements necessary to deliver the power from the project delivery point(s) specified in the revised Criteria to the applicant's load.
5. A tabulation of peak demand and energy usage by month for calendar year 1981 and a statement supporting the need for and use of the resource.
6. As discussed in part VI of the revised Criteria, the Bureau of Reclamation (BuRec) proposes to partially finance the Boulder Canyon Project Uprating Program (Uprating Program) with contributed funds provided by the contractor(s) receiving the allocation of that additional increment of power. Accordingly, entities within the State of California, the Arizona Power Authority, and the Colorado River Commission of Nevada shall each furnish a statement of intent to provide contributed funds to the BuRec for the Uprating Program. Such a statement is a condition precendent to an allocation of that power by Western, as provided in part VI of the revised Criteria.
7. If an applicant is applying for power on behalf of others, the application shall also contain a listing of the entities represented and the allocations to those entities for existing Federal resources and a listing of proposed entities and allocations for new resources.
8. The applicants are requested to submit any supporting document(s) which they believe should be furnished describing why an allocation to the applicant would be in the *Public Interest.* The application may also contain any other pertinent information the applicant may wish to provide.

If there are any competing applications for the power to be allocated from the Uprating Program, Western, in compliance with section 5(c) of the Boulder Canyon Project Act and section 501 of the Department of Energy Organization Act, will provide for a public hearing on those competing applications. The hearing will give applicants the opportunity for oral presentation of views, data, and arguments. Since the hearing will not be adjudicatory in nature, no cross-examination of witnesses will be permitted. Conflicts shall be resolved by the Administrator of the Western Area Power Administration, after hearing, with due regard to the public interest.

Western intends that the hearing will be held as part of the public comment forum in November 1982, on the revised Criteria. Notice of the exact date, time, and location of the forum will be published at a later date in the **Federal Register.**

Issued in Golden, Colorado, August 16, 1982.

Robert L. McPhail,

Administrator.

[FR Doc. 82-23162 Filed 8-23-82; 8:45 am]

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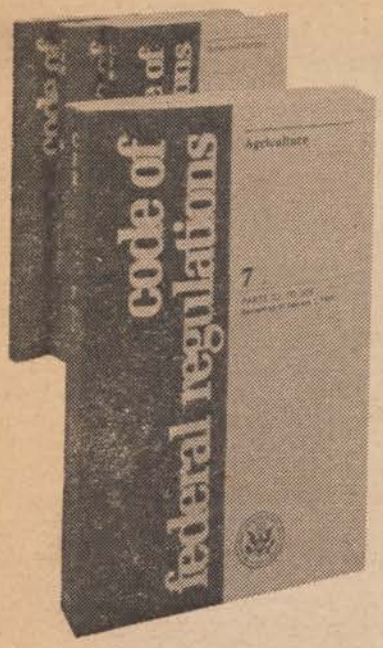

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